

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Temporary Activities

Carlo Botha

9 March 2022

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0157	Kevin & Bonnie Williams	The Williams
DPR-0205	Lincoln University	-
DPR-0209	Manmeet Singh	-
DPR-0298	Trices Road Re-zoning Group	Trices Road Re-zoning
DPR-0353	Hort NZ	Hort NZ
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0422	NCFF of New Zealand - North Canterbury	NCFF
DPR-0448	New Zealand Defence Force	NZDF
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould
DPR-0461	Dunweavin 2020 Ltd	Dunweavin
DPR-0464	New Zealand Motor Caravan Association Inc.	NZMCA
DPR-0492	Kevler Development Ltd	Kevler
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	Gallina & Heinz-Wattie

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
A&P show	Agricultural and Pastoral show
CRPS	Canterbury Regional Policy Statement 2013
DPZ	Dairy Processing Zone
EMTA	Emergency Management Training Activities
GFA	Gross Floor Area
GIZ	General Industrial Zone
GRAZ	Grasmere Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
IMP	Mahaanui Iwi Management Plan 2013
ITA	Integrated Transport Assessment
KNOZ	Knowledge Zone
LCZ	Local Centre Zone
LFRZ	Large Format Retail Zone
LLRZ	Large Lot Residential Zone
LRZ	Low Density Residential Zone
MPZ	Māori Purpose Zone
NCZ	Neighbourhood Centre Zone
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
PORTZ	Port Zone
RMA or Act	Resource Management Act 1991
RMP	Reserve Management Plan
SETZ	Settlement Zone
SKIZ	Porters Ski Zone
TCZ	Town Centre Zone
TEZ	Terrace Downs Zone
TMTA	Temporary Military Training Activities

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the Temporary Activities Chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
 - [Overview s42A](#) report that addresses the higher order statutory planning and legal context, prepared by Mr Love
 - [s42A report on Strategic Directions](#), also prepared by Mr Love
 - [Part 1 s42A report](#) prepared by Ms Tuilaepa
 - [Transport s42A report](#) prepared by Mr Trewin
 - [Noise s42A report](#) prepared by Ms Baker
 - [GRUZ s42A](#) report prepared by Mr Trewin
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Carlo Manuel Botha. I am employed by the Council as a Resource Management Planner. My qualifications include a Bachelor of Science from the University of Canterbury and a Master of Environmental Policy from Lincoln University. I have over 6.5 years' experience as a resource management planner, with this work including experience processing resource consent applications as a Resource Consents Planner at Christchurch City Council and Canterbury Regional Council and preparing and processing resource consent applications as a Planning Consultant in the private sector. I am a graduate member of the New Zealand Planning Institute. My role as part of the District Plan Review Team involves preparing the s42A report for the Temporary Activities Chapter in the PDP.
- 2.2 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 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.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the Temporary Activities Chapter.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and

underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted.

- 3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements and planning framework

Resource Management Act 1991

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
- [Strategic Directions](#)
 - [Temporary Activities](#)
 - [Noise and Vibration](#)
 - [Camping Grounds](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each sub-topic addressed in this report.

¹ Section 74 RMA

National Policy Statement

- 4.5 There are no National Policy Statements of relevance to the Temporary Activities Chapter.

National Planning Standards

- 4.6 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards.
- 4.7 The Planning Standards require the Temporary Activities Chapter to be included under the General District-wide Matters section in a district plan and for any provisions to manage temporary activities, buildings and events to be located in this chapter. The Planning Standards do not include definitions for temporary activities or temporary accommodation. However, it does include a definition of TMTA which is relevant to this chapter.

Canterbury Regional Policy Statement

- 4.8 The CRPS sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Canterbury region in an integrated and co-ordinated manner. The CRPS does not make any specific reference to temporary activities, nor do they appear to be captured by the definitions of 'urban' and 'rural' activities, as these definitions refer to 'activities of a size, function, intensity or character' typical of those in urban or rural areas respectively. A temporary activity such as a sporting event, fair or an A&P show, whilst appropriately held within a rural-zoned location, does not easily fit within this if it is considered to be an 'urban' activity.
- 4.9 Objective 5.2.1 (2) in the CRPS is however, relevant to temporary activities in a broader sense in that it seeks development to be located and designed so that it functions in a way that *'enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety and which;*
- (a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values; ...*
 - (c) encourages sustainable economic development by enabling business activities in appropriate locations; ...*
 - (g) avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure; ...*
 - (i) avoids conflicts between in compatible activities.'*

- 4.10 Policy 6.3.1(4) in the CRPS, relating to Development within the Greater Christchurch Area², seeks to ensure new urban activities only occur within existing urban areas or identified greenfield priority areas unless they are otherwise expressly provided for in the CRPS. Whether or not this would be

² See Map A – this only covers a portion of the Selwyn District including key activity centres Rolleston and Lincoln.

contrary to the CRPS is therefore dependent on whether temporary activities can be classed as ‘urban activities’ and should these occur in a rural area. Ultimately, this assessment would need to be completed on a case by case basis.

Mahaanui Iwi Management Plan

- 4.11 The relevant objectives and policies from the IMP are summarised below and in general echo the purpose of the RMA, of sustainable management:

5.4 Papatūānuku - Ngā Paetae Objective 7 – Subdivision and development activities implement low impact, innovative and sustainable solutions to water, stormwater, waste and energy issues.

P1.1 – The use of land in accordance with the principles of Ngāi Tahu, especially Ki Uta Ki Tai, recognising the relationship between healthy land, air and water.

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 There are not considered to be any other procedural matters to note.

6. Consideration of submissions

Overview of submissions

- 6.1 There were 38 submissions and 52 further submissions on matters covered in this report. The majority of the submission points came from government agencies, most notably from NZDF, CIAL and Waka Kotahi with regard to TMTA, the Christchurch International Airport Noise Contours and the State Highway network. Overall, it is considered that no significant issues have been raised with the Chapter. The amendments sought are considered to be relatively minor refinements, with the exception of the new provision sought by Waka Kotahi with regard to managing effects of temporary activities on the State Highway and the additions to the rule requirements sought by CIAL with regard to the Airport Noise Contours.

Structure of this report

- 6.2 This report has been structured in accordance with the Chapter Structure and follows that sequence. Definitions are addressed first given they are relevant to the Temporary Activities Chapter as a whole, followed by the Chapter Overview, Objectives, Policies, Rules, Rule Requirements and Matters for Control or Discretion. Requested new provisions have been addressed subsequent to related provisions and other matters such as non-notification clauses and freedom camping are addressed toward the end of the report.
- 6.3 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments.

7. Definitions

Introduction

7.1 The Definitions Chapter of the PDP was subject to its own Hearing (Hearing 2), however there are a number of submission points relating to definitions which are specifically relevant to and integral to the drafting of the Temporary Activities Chapter that are considered to be more efficiently addressed as part of this report. These definitions are:

- Commercial Filming,
- Temporary Accommodation, and
- Temporary Activities.

Submissions

7.2 Seven submissions points and nineteen further submission points were received in relation to the three definitions in the Temporary Activities Chapter listed above.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	056	Temporary Activity	Support	Retain as notified
DPR-0157	<i>The Williams</i>	<i>FS393</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part</i>
DPR-0209	<i>Manmeet Singh</i>	<i>FS468</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part</i>
DPR-0298	<i>Trices Road Re-zoning</i>	<i>FS425</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept submission in part</i>
DPR-0461	<i>Dunweavin</i>	<i>FS473</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept submission in part</i>
DPR-0492	<i>Kevler</i>	<i>FS403</i>	<i>Temporary Activity</i>	<i>Support</i>	<i>Accept submission in part</i>
DPR-0493	<i>Gallina & Heinz-Wattie</i>	<i>FS449</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part.</i>
DPR-0359	FENZ	012	Temporary Activity	Support	Retain as notified.
DPR-0363	IRHL	055	Temporary Activity	Support	Retain as notified
DPR-0157	<i>The Williams</i>	<i>FS714</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part</i>
DPR-0209	<i>Manmeet Singh</i>	<i>FS639</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part</i>
DPR-0298	<i>Trices Road Re-zoning</i>	<i>FS592</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept submission in part</i>
DPR-0461	<i>Dunweavin</i>	<i>FS632</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part. Reject the submission seeking removal of the UGO</i>
DPR-0492	<i>Kevler</i>	<i>FS247</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part. Reject the submission seeking removal of the UGO.</i>
DPR-0493	<i>Gallina & Heinz-Wattie</i>	<i>FS826</i>	<i>Temporary Activity</i>	<i>Support In Part</i>	<i>Accept the submission in part.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	CIAL	005	Commercial Filming	Neither Support Nor Oppose	Amend as follows: Activities associated with the creation of a film or video product where undertaken by a professional production company <u>but excludes any residential activity.</u>
DPR-0353	Hort NZ	FS070	Commercial Filming	Oppose	Reject
DPR-0374	RIHL	061	Temporary Activity	Support	Retain as notified
DPR-0157	The Williams	FS5278	Temporary Activity	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS896	Temporary Activity	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning	FS743	Temporary Activity	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS775	Temporary Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS091	Temporary Activity	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS652	Temporary Activity	Support In Part	Accept the submission in part.
DPR-0384	RIDL	063	Temporary Activity	Support	Retain as notified
DPR-0422	NCFF	088	Temporary Accommodation	Support In Part	Retain as notified, but only if a new definition for 'Seasonal Worker Accommodation' is inserted as follows: <u>means the use of land and buildings for the sole purpose of accommodating the short term labour requirement of a farming activity, rural industry, or post-harvest facility.</u>

Analysis

- 7.3 **Commercial Filming** – CIAL³ seeks that residential activities are specifically excluded from the definition. They consider that as commercial film or video production can involve temporary accommodation, it is important that residential activities associated with commercial filming are addressed separately. CIAL also seeks that commercial filming be added to the definition of “noise sensitive activity” if their requested amendment to the definition is not accepted and commercial filming potentially includes residential activity. It is recommended that this submission point by CIAL be rejected, as the Noise Chapter sits alongside the Temporary Activities Chapter and both apply at the same time. Therefore, in addition to complying with the provisions in the Temporary Activities Chapter, temporary activities are also subject to complying with the relevant provisions in the Noise Chapter. Rule NOISE-R4 in the Noise Chapter manages noise sensitive activities occurring within the Christchurch International Airport Noise Control Overlays by requiring noise mitigation measures

³ DPR-0371.005 CIAL

(such as noise insulation) to be provided for any noise sensitive activities occurring within the overlays. The definition of a “noise sensitive activity” in the PDP includes any residential activity and any educational facility, visitor accommodation and hospital or healthcare facility. Given this, any residential activity and its relation to the Christchurch International Airport Noise Control Overlays is captured by the requirements of Rule NOISE-R4 in the NOISE Chapter. Therefore, as Rule NOISE-R4 manages the potential reverse sensitivity effects associated with any residential activity occurring within the Christchurch International Airport Noise Control Overlays, no amendment to this definition is required. It is considered that including CIAL’s requested amendment to this definition will result in an unnecessary duplication of the provisions in the PDP which manage reverse sensitivity effects arising from residential activities within the Christchurch International Airport Noise Control Overlays.

7.4 **Temporary Accommodation** – NCFF⁴ seeks that the definition be retained as notified on the basis that a new definition for “Seasonal Worker Accommodation” is inserted into the PDP. The submission point by NCFF⁵ to insert a new definition for “Seasonal Worker Accommodation” into the PDP will be considered as part of the hearing for the GRUZ Chapter. The s42A report⁶ for the GRUZ Chapter makes a recommendation to insert a new definition for “Seasonal Worker Accommodation” for the reasons set out in Paragraph 7.53 in that report. As such, it is recommended that this submission point be accepted in part.

7.5 **Temporary Activity** – RWRL⁷, IRHL⁸, RIHL⁹, RIDL¹⁰ and FENZ¹¹ seek that the definition is retained as notified. As no amendments have been sought to this definition, it is recommended that these submission points be accepted.

Recommendation

7.6 I recommend, for the reasons given above, that the Hearings Panel retain the definitions of “Commercial Filming”, “Temporary Accommodation” and “Temporary Activity” as notified.

7.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

⁴ DPR-0422.088 NCFF

⁵ DPR-0422.081 NCFF

⁶ [Council’s Section 42A GRUZ Report](#), Paragraph 7.53

⁷ DPR-0358.056 RWRL

⁸ DPR-0363.055 IRHL

⁹ DPR-0374.061 RIHL

¹⁰ DPR-0384.063 RIDL

¹¹ DPR-0359.012 FENZ

8. Overview

Submission

8.1 One submission point was received in relation to TEMP-Overview.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	Waka Kotahi	157	Support In Part	Amend as follows: <u>Note:</u> <u>It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi if the activity is accessed from a State Highway, and Selwyn District Council if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.</u>

Analysis

8.2 Waka Kotahi¹² seeks that a new note to TEMP-Overview is inserted. TEMP-Overview as notified does highlight that approval may need to be sought from Council or other agencies for any event that would obstruct pedestrian, cycle, or vehicle movements, cause a hazard for pedestrians, cyclists, or traffic, or require a road to be closed. However, as it does not specify the relevant road controlling authority that should be contacted where a temporary activity involves access onto a State Highway or any other roads within the District, I consider it appropriate to include a note that informs plan users, particularly organisers of temporary activities (such as markets, concerts, community, recreation, or ceremonial events, etc.), that it is their obligation to contact Waka Kotahi where temporary activities are accessed from a State Highway and to contact the Council where temporary activities are accessed from any other roads within the District, as an organiser of a temporary activity may need to arrange and submit an appropriate traffic management plan to Waka Kotahi or the Council for approval prior to the activity occurring. I recommend that the proposed wording of the note sought by Waka Kotahi in their submission point be amended so that it does not specifically state that it is an organiser's obligation to contact the relevant road controlling authority so that an appropriate traffic management plan is arranged. This is because a traffic management plan is not always required for all temporary activities accessing off a State Highway or any other roads within the District. Traffic management plans are generally required for temporary activities (such as events, etc.) that would obstruct pedestrian, cycle, or vehicle movements, cause a hazard for pedestrians, cyclists, or traffic, or require a road to be closed. To provide consistency within the Temporary Activities Chapter in the PDP, I also recommended that a minor amendment be made to the note sought by Waka Kotahi in their submission point so that it references "the Council" instead of "Selwyn District Council". The recommended amendments to the note sought by Waka Kotahi are considered to be within the scope of their submission point. Therefore, it is recommended that this submission point by Waka Kotahi be accepted in part.

¹² DPR-0375.157 Waka Kotahi

Recommendations and amendments

8.3 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend TEMP-Overview as shown in **Appendix 2** to provide better clarity to plan users.

8.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

8.5 The scale of change does not require a s32AA evaluation.

9. Objective

Submission

9.1 One submission point was received in relation to TEMP-O1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	NZDF	045	Support	Retain as notified

Analysis

9.2 NZDF¹³ seeks that TEMP-O1 be retained as notified. As no amendments have been sought to this objective, it is recommended that this submission point be accepted.

Recommendation

9.3 I recommend, for the reason given above, that the Hearings Panel retain TEMP-O1 as notified.

9.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

10. Policies

TEMP-P1

Submissions

10.1 One submission point was received in relation to TEMP-P1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	Waka Kotahi	158	Support In Part	Amend as follows: Enable temporary activities, while managing the potential adverse effects of temporary activities on the surrounding environment, including: a. <u>c. the safe, effective and efficient functioning of the state highway network.</u>

¹³ DPR-0448.045 NZDF

Analysis

- 10.2 Waka Kotahi¹⁴ seeks that a new sub-clause is added to TEMP-P1 to ensure that the potential adverse effects of temporary activities are managed to ensure the safe, effective and efficient functioning of the State Highway network. As temporary activities have the potential to generate adverse effects on roads as a result of increased traffic movements or potential road closures, I consider it appropriate to add the new sub-clause to TEMP-P1. However, as the new sub-clause proposed by Waka Kotahi only includes reference to the State Highway network and not to any other road within the District that is not managed by Waka Kotahi (i.e. Council controlled roads), I prefer that the new sub-clause refers to “any road” rather than “the State Highway network”. This will ensure that the potential adverse effects of temporary activities on both the State Highway network and Council controlled roads within the District are managed. This change is considered appropriate and within the scope of the submission point given that temporary activities have the potential to generate adverse effects on all roads within the District. Therefore, it is recommended that the submission point by Waka Kotahi be accepted in part.

Recommendations and amendments

- 10.3 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend TEMP-P1 as shown in **Appendix 2** to ensure that the potential adverse effects of temporary activities on all roads are managed.
- 10.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 10.5 The scale of change does not require a s32AA evaluation.

TEMP-P2

Submissions

- 10.6 Two submission points were received in relation to TEMP-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0359	FENZ	061	Support	Retain as notified
DPR-0448	NZDF	046	Support	Retain as notified

Analysis

- 10.7 FENZ¹⁵ and NZDF¹⁶ seek that TEMP-P2 be retained as notified. As no amendments have been sought to this policy, it is recommended that these submission points be accepted.

Recommendation

- 10.8 I recommend, for the reason given above, that the Hearings Panel retain TEMP-P2 as notified.

¹⁴ DPR-0375.158 Waka Kotahi

¹⁵ DPR-0359.061 FENZ

¹⁶ DPR-0448.046 NZDF

- 10.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

TEMP-P3

Submissions

- 10.10 One submission point was received in relation to TEMP-P3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	NZDF	047	Support	Retain as notified

Analysis

- 10.11 NZDF¹⁷ seeks that TEMP-P3 be retained as notified. As no amendments have been sought to this policy, it is recommended that this submission point be accepted.

Recommendation

- 10.12 I recommend, for the reason given above, that the Hearings Panel retain TEMP-P3 as notified.
- 10.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11. Rules

TEMP-R2 Temporary Military Training Activities and Emergency Management Training Activities

Submissions

- 11.1 Two submissions points were received in relation to TEMP-R2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0359	FENZ	062	Support	Retain as notified.
DPR-0448	NZDF	079	Support	Retain TEMP-R2.1 as notified

Analysis

- 11.2 FENZ¹⁸ and NZDF¹⁹ seek that TEMP-R2 be retained as notified. As no amendments have been sought to this provision, it is recommended that these submission points be accepted.

Recommendation

- 11.3 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 11.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

¹⁷ DPR-0448.047 NZDF

¹⁸ DPR-0359.062 FENZ

¹⁹ DPR-0448.079 NZDF

TEMP-R4 Commercial Filming

Submissions

11.5 One submission point and one further submission point were received in relation to TEMP-R4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	CIAL	054	TEMP-R4	Neither Support Nor Oppose	Retain as notified, provided relief sought in DPR-0371.055 is granted.
DPR-0353	Hort NZ	FS117	TEMP-R4	Oppose	Reject

Analysis

11.6 CIAL²⁰ seeks to retain the provision as notified provided their requested amendments to the definition of “commercial filming”²¹ and to TEMP-REQ5²² are accepted, which are addressed in Sections 7 and 12 of this report. On the basis of my recommendations to reject CIAL’s submission points DPR-0371.005 and DPR-0371.055 to amend the definition of “commercial filming” and TEMP-REQ5, I recommend that the submission by CIAL be accepted in part.

Recommendation

11.7 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

11.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

TEMP-R7 Aircraft and Helicopter Movements

Submissions

11.9 Three submissions points were received in relation to TEMP-R7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0353	Hort NZ	221	Oppose In Part	Amend to clarify that this does not apply to aircraft and helicopter movements within the rural area for purposes ancillary to rural production – which are managed elsewhere in the plan.
DPR-0359	FENZ	063	Support	Retain as notified.
DPR-0448	NZDF	080	Support	Retain as notified

Analysis

11.10 Hort NZ²³ seeks amendments to provide clarification that TEMP-R7 does not apply to aircraft and helicopter movements within the rural area for purposes ancillary to rural production, which are managed elsewhere in the PDP. Aircraft and helicopter movements within the rural area for purposes ancillary to rural production (including topdressing, spraying, stock management, fertiliser application, and frost mitigation) are permitted under Rule GRUZ-R27 in the GRUZ Chapter of the PDP. The SKIZ Chapter in the PDP also manages aircraft/helicopter movements.

²⁰ DPR-0371.054 CIAL

²¹ DPR-0371.005 CIAL

²² DPR-0371.055 CIAL

²³ DPR-0353.221 Hort NZ

Given this, I recommend including the following note in TEMP-R7 to provide better clarity for plan users: *“Aircraft and helicopter movements are also provided for in the GRUZ and SKIZ Chapters.”* This note will provide clarity and consistency across the PDP, as it will direct plan users to the other relevant chapters that also manage aircraft and helicopter movements within the District. As I recommend to include a note that is slightly different to that sought by Hort NZ in their submission, it is recommended that this submission point by Hort NZ be accepted in part.

- 11.11 FENZ²⁴ and NZDF²⁵ seek that TEMP-R7 be retained as notified. On the basis that I have recommended an amendment to TEMP-R7, it is recommended that these submission points be accepted in part.

Recommendations and amendments

- 11.12 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend TEMP-R7 as shown in **Appendix 2** to provide clarity and consistency across the plan.

- 11.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

- 11.14 The scale of change does not require a s32AA evaluation.

New Rule

Submissions

- 11.15 One submission point was received in relation to the request for a new rule.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0375	Waka Kotahi	159	New	Neither Support Nor Oppose	Insert new rule which specifies that temporary activities gaining direct access from a State Highway shall be a restricted discretionary activity. This shall include that any application arising from this rule shall not be subject to public notification. Absent of their written approval, notice shall only be served on Waka Kotahi NZ Transport Agency.

Analysis

- 11.16 Waka Kotahi²⁶ seeks to insert a new rule into the PDP which specifies that temporary activities gaining direct access from a State Highway are a Restricted Discretionary Activity and that any application arising from this new rule shall not be subject to public notification, but absent of their written approval, notice of the application shall only be served on Waka Kotahi. They are supportive of the inclusion of provisions for temporary activities, but if an activity includes direct access to a State Highway, they request that specific controls are included in the PDP to address the effects of temporary activities gaining direct access to a State Highway. While I consider that temporary

²⁴ DPR-0359.063 FENZ

²⁵ DPR-0448.080 NZDF

²⁶ DPR-0375.159 Waka Kotahi

activities can generate increased traffic which has the potential to adversely affect the State Highway network, I recommend that this submission point by Waka Kotahi be rejected for the following reasons:

- 11.16.1. The addition of this new rule could impose unnecessary high consenting costs on temporary activities (particularly small-scale temporary activities) that have a limited duration and generate short-term effects. Inserting a new rule that would require resource consent as a Restricted Discretionary Activity for any temporary activity gaining direct access to a State Highway regardless of its duration, scale, frequency and location is considered onerous and an unnecessary requirement to impose on temporary activities. It is also important to note that the Operative District Plan does not include a similar rule, and temporary activities authorised under the Operative District Plan are exempt from complying with the rules limiting traffic movements onto a State Highway in the Living and Rural Zones.
- 11.16.2. The Transport Chapter in the PDP contains provisions (i.e. Rule TRAN-R4 and Rule TRAN-R8) that manage traffic movements onto all roads within the District (including State Highways) from new vehicle crossings and from activities that have potential to generate high traffic movements. Rule TRAN-R8 limits traffic movements onto all roads within the District from any activity that generates high traffic movements. If the traffic movement limits are met, then the activity is permitted, but if not, then resource consent is required and an ITA must be provided with a resource consent application to Council. The Transport Chapter and the Temporary Activities Chapter apply at the same time. Therefore, any temporary activity will be subject to complying with the relevant provisions of the Transport Chapter. TRAN-REQ4 in the Transport Chapter (which is a rule requirement applicable to Rule TRAN-R4) requires resource consent to be obtained for a Restricted Discretionary Activity for any new vehicle crossing with direct access onto a State Highway with notification limited to Waka Kotahi. Therefore, if any new vehicle crossing is proposed to be constructed to undertake a temporary activity on any site with direct access onto a State Highway, resource consent will be required for a Restricted Discretionary Activity under TRAN-REQ4 and Waka Kotahi will be notified of the application.
- 11.16.3. As discussed in Section 8 of this report, it is recommended that TEMP-Overview be amended to include a note at the end informing plan users, particularly organisers of temporary activities (such as markets, concerts, community, recreation, or ceremonial events, etc.), that it is their obligation to contact Waka Kotahi if a temporary activity is accessed from a State Highway and to contact the Council if accessed from any other roads, as an appropriate traffic management plan may need to be arranged and approved by Waka Kotahi or the Council prior to the activity occurring, to avoid traffic safety hazards being generated from the activity. This new note should inform plan users and organisers of temporary activities that Waka Kotahi should be contacted in relation to temporary activities involving access from a State Highway.
- 11.16.4. As discussed in Sections 10 and 13 of this report, it also recommended that a new sub-clause be added to TEMP-P1 and a new assessment matter be added to TEMP-MAT1 to

ensure that the potential adverse effects of temporary activities on the safe, effective and efficient functioning of any road within the District which includes State Highways and Council controlled roads are managed and taken into consideration. The new policy sub-clause and assessment matter will ensure that potential adverse effects on the State Highway network are adequately managed and taken into consideration as part of any application arising from a non-compliance with the relevant rules in the Temporary Activities Chapter. If Waka Kotahi are deemed to be adversely affected by an application, the resource consent process under the RMA allows for their approval to be requested. Absent their approval, an application can be limited notified on them.

- 11.16.5. The provisions in the Temporary Activities Chapter already limit the scale, duration and frequency of temporary activities on any site in all zones within the District to ensure that any potential adverse effects of temporary activities on the surrounding environment are short-term in nature and are adequately managed if undertaken on a site as a permitted activity. It is therefore considered that these limits on temporary activities in addition to the provisions in the Transport Chapter, the new policy sub-clause and new assessment matter (recommended to be added to TEMP-P1 and TEMP-MAT1), and obligations outside of the PDP on organiser's to contact Waka Kotahi if an activity is accessed from a State Highway, should ensure that any potential adverse effects associated with temporary activities gaining direct access onto a State Highway are adequately managed/mitigated.

Recommendation

- 11.17 I recommend, for the reasons given above, that the Hearings Panel do not insert the new rule requested by Waka Kotahi.
- 11.18 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12. Rule Requirements

TEMP-REQ2

Submissions

- 12.1 Three submissions points were received in relation to TEMP-REQ2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	NZDF	081	Support	Retain TEMP-REQ2.1 as notified
DPR-0448	NZDF	082	Support In Part	Amend TEMP-REQ2.2 from restricted discretionary to controlled activity status
DPR-0448	NZDF	083	Support In Part	Retain TEMP-REQ2.3.a as notified however rename TEMP-REQ2.3 to 'Matters of Control'.

Analysis

12.2 NZDF²⁷ seek that TEMP-REQ2.1 be retained as notified. As no amendments have been sought to TEMP-REQ2.1, it is recommended that this submission point be accepted.

12.3 NZDF²⁸ seeks that the activity status specified in TEMP-REQ2.2 be amended from Restricted Discretionary to Controlled, as they consider a Controlled Activity status is more appropriate where compliance with TEMP-REQ2.1 is not achieved. They also seek that TEMP-REQ2.3 be retained as notified subject to it being renamed to “Matters of Control” to reflect their request to change the activity status of TEMP-REQ2.2 to Controlled. I recommend that these submission points by NZDF be rejected for the following reasons:

12.3.1. It is not considered appropriate to change the activity status of TEMP-REQ2.2 from Restricted Discretionary to Controlled and to rename TEMP-REQ2.3, as a Controlled Activity status would mean the Council must grant any application that does not comply with TEMP-REQ2.1 if a site will not be restored in the manner required by the rule requirement. As such, a Controlled Activity status is not considered appropriate, as there may be circumstances where the rule requirement is breached, such as where an applicant is seeking not to restore a site to its original condition for a long period of time, or not at all, and this may not be acceptable as it has the potential for adverse effects on the environment to potentially be more than minor and for neighbouring properties to be adversely affected. This would not align with the policies of the Temporary Activities Chapter, TEMP-P1 in particular, as this policy requires the potential adverse effects of temporary activities on the surrounding environment to be managed. As such, it is considered that a Restricted Discretionary Activity status is more appropriate than a Controlled Activity status to manage the potential adverse effects of an activity not complying with TEMP-REQ2.1. The Council would be able to decline an application for a Restricted Discretionary Activity where a site would not be restored for a long period of time or not at all that would result in adverse effects on the environment and on neighbouring properties.

Recommendation

12.4 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

12.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

TEMP-REQ3

Submissions

12.6 Six submissions points were received in relation to this TEMP-REQ3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0359	FENZ	064	Support	Retain as notified.
DPR-0448	NZDF	084	Support In Part	Amend TEM-REQ3.1 to delete reference to 'on any site'.

²⁷ DPR-0448.081 NZDF

²⁸ DPR-0448.082 NZDF, DPR-0448.083 NZDF

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0448	NZDF	085	Support In Part	Delete TEMP-REQ3.2 as notified or amend as follows: Temporary buildings and structures used for military or emergency management training shall not remain on any site for more than five consecutive days after the temporary activity has ceased, <u>unless otherwise permitted by the Plan.</u>
DPR-0448	NZDF	086	Support	Retain TEMP-REQ3.3 as notified
DPR-0448	NZDF	087	Support	Retain TEMP-REQ3.4 as notified
DPR-0448	NZDF	088	Support	Retain TEMP-REQ3 Notification as notified

Analysis

- 12.7 NZDF²⁹ seeks to amend TEMP-REQ3.1 to delete the reference to “on any site”, as they consider the wording used in the rule limits military or emergency management training activities to a maximum of 31 days per year on any site. They consider this to be an issue for them as they may exceed this limit as they may use the same site on more than one occasion given that they carefully select sites which take into account the management of effects (including amenity effects) and enter into landowner agreements. My understanding of TEMP-REQ3.1 is that it does not limit military or emergency training activities to a maximum of 31 days per year on any site, as no specific wording such as in “any given year” is used in TEMP-REQ3.1 to explicitly limit military or emergency management training activities to a period of 31 consecutive days per year on any site. Given this, my understanding is that TEMP-REQ3.1 allows military or emergency management training activities to be undertaken as a permitted activity on the same site on multiple occasions for a maximum period of 31 days (at any one time). An example of the wording that explicitly limits the duration of an activity on any site in any given year, is the wording used in TEMP-REQ5. I therefore consider that NZDF has incorrectly interpreted the implementation of TEMP-REQ3.1 in their submission. Therefore, I recommend that the submission point by NZDF be rejected and that TEMP-REQ3.1 be retained as notified.
- 12.8 NZDF³⁰ also seeks that TEMP-REQ3.2 is deleted or amended to ensure that temporary buildings and structures used for military or emergency management training on any site do not need to be removed from the site after 5 consecutive days of the activity ceasing, if the buildings and structures are permitted by the PDP. Their reasoning is that occasionally buildings or structures constructed as part of temporary military training activities may be permanent and may not be removed at the end of the training exercise if they have been constructed as a permitted activity or if resource consent has been obtained. I note that TEMP-REQ3.2 does not permit the construction of permanent buildings or structures, only temporary ones. It includes a permitted threshold to ensure that any potential adverse effects associated with temporary buildings and structures on any site used for military or emergency management training exercises are short-term in nature and adequately managed if these activities are undertaken on sites as a permitted activity. Furthermore, TEMP-

²⁹ DPR-0448.084 NZDF

³⁰ DPR-0448.085 NZDF

Overview makes it clear that the temporary activity provisions in the Temporary Activities Chapter do not apply to permanent buildings, structures or activities, as it states the following: “*Temporary activities provisions do not apply to activities and buildings anticipated by Area-Specific Chapters or within the expected scope of operations for permanent facilities.*” Therefore, I recommend that this submission point by NZDF be rejected and that TEMP-REQ3.2 be retained as notified.

12.9 NZDF³¹ seek that TEMP-REQ3.3, TEMP-REQ3.4 and TEMP-REQ3 Notification be retained as notified. As no amendments have been sought to these provisions, it is recommended that these submission points be accepted.

12.10 FENZ³² seek that TEMP-REQ3 be retained as notified. As FENZ seeks no amendments to this provision and it is recommended that this provision be retained as notified as outlined in Paragraphs 12.7 to 12.9 above, it is recommended that this submission point be accepted.

Recommendation

12.11 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.

12.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

TEMP-REQ4

Submissions

12.13 Two submissions points and one further submission point were received in relation to TEMP-REQ4.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0205	Lincoln University	061	Support In Part	Amend as follows: Temporary buildings and structures ancillary to a construction project, including temporary accommodation within these, shall not exceed: a. b. a total of 50m ² in Gross Floor Area on any site, <u>except within the KNOZ where a total of 100m² in Gross Floor Area can be established for any construction project;</u> c. the permitted thresholds for height, height in relation to boundaries, setbacks, of the zone of the site in which they are located. <u>This rule does not apply to the KNOZ.</u>
DPR-0371	CIAL	056	Oppose In Part	Amend as follows: 1. 4. <u>No temporary accommodation shall be located within the 50 dB Ldn Air Noise Contour</u> Any application arising from TEMP-REQ4. shall not be subject to public notification. <u>Any application involving a breach of TEMP-REQ4.4. shall be limited notified at least to Christchurch International Airport (absent its written approval).</u>
DPR-0353	Hort NZ	FS119	Oppose	Reject

³¹ DPR-0448.086 NZDF, DPR-0448.087 NZDF, DPR-0448.088 NZDF

³² DPR-0359.064 FENZ

Analysis

- 12.14 Lincoln University³³ seeks that TEMP-REQ4 is amended to ensure temporary buildings and structures ancillary to a construction project in the KNOZ are permitted to have a maximum total GFA of 100m² and not 50m² as currently proposed, and for these temporary buildings and structures to be exempt from the requirement to comply with the height, height in relation to boundaries and setback requirements of the KNOZ. They seek this on the basis that the university campus is spatially extensive and may be the subject of multiple construction projects at any time, some of which may be significant in scale. I recommend amending TEMP-REQ4 to increase the maximum permitted GFA from 50m² to 100m² for temporary buildings and structures ancillary to a construction project erected within the KNOZ. This is because the permitted thresholds specified in TEMP-REQ4 will limit the scale and duration of temporary buildings and structures ancillary to a construction project on any site within the KNOZ to ensure that any potential adverse effects associated with these temporary buildings and structures on the surrounding environment are short-term in nature and are adequately managed if they are established on a site as a permitted activity under TEMP-R3 and applicable rule requirements TEMP-REQ2 and TEMP-REQ4.
- 12.15 I do not however recommend to specifically exempt temporary buildings and structures ancillary to a construction project on any site within the KNOZ from complying with the permitted thresholds for height, height in relation to boundaries and setback requirements of the KNOZ, as these temporary buildings and structures have the potential to remain on a site for a maximum period of 12 months. By requiring temporary buildings and structures ancillary to a construction project to comply with the height, height in relation to boundaries and setback requirements in all zones in the PDP helps to ensure that any potential adverse effects of these temporary buildings and structures on the surrounding environment and on neighbouring properties are adequately managed.
- 12.16 As I am recommending to amend TEMP-REQ4 to increase the maximum permitted GFA for temporary buildings and structures ancillary to a construction project for the KNOZ, but am not recommending to specifically exempt temporary buildings and structures ancillary to a construction project within the KNOZ from complying with the height, height in relation to boundaries and setback requirements of the KNOZ, I recommend that the submission point by Lincoln University be accepted in part and that TEMP-REQ4 be amended as shown in Appendix 2 of this report.
- 12.17 CIAL³⁴ seeks that a new rule requirement is added to TEMP-REQ4 to ensure that temporary accommodation within temporary buildings and structures ancillary to a construction project is not permitted as of right within the 50 dB Ldn Airport Noise Control Overlay and that any application under the new rule requirement for temporary accommodation within the 50 dB Ldn Airport Noise Control Overlay be notified to CIAL absent their written approval. CIAL's reasoning is that temporary accommodation associated with a construction project is a noise sensitive activity as it is a residential activity and a proposed duration of 12 months is considered long-term. Therefore, their concerns relate to potential reverse sensitivity effects and potential effects on the occupants of

³³ DPR-0205.061 Lincoln University

³⁴ DPR-0371.056 CIAL

temporary buildings and structures from aircraft noise. I recommend that the submission point by CIAL be rejected for the following reasons:

- 12.17.1. As outlined in Section 7 of this report, the Noise Chapter sits alongside the Temporary Activities Chapter and both apply at the same time. Rule NOISE-R4 is the relevant rule in the Noise Chapter which manages noise sensitive activities (such as residential activities) occurring within the Christchurch International Airport Noise Control Overlays. I do note however that this rule only manages noise sensitive activities occurring within the 55 dB Ldn Airport Noise Control Overlay. More properties are covered by the 50 dB Ldn Airport Noise Control Overlay than the 55 dB Ldn Airport Noise Control Overlay as it is the outer noise contour. However, the 55 dB Ldn Airport Noise Contour Overlay lies within the 50 dB Ldn Airport Noise Contour. Therefore any rule in the PDP that applies to the 55 dB Ldn Airport Noise Contour Overlay also applies to the 50 dB Ldn Airport Noise Contour Overlay. Given this, any residential activity and its relation to the Christchurch International Airport Noise Control Overlays is captured by the requirements of Rule NOISE-R4 in the NOISE Chapter. On this basis, CIAL's requested amendments to TEMP-REQ4 are considered unnecessary, as any temporary accommodation occurring within temporary buildings and structures ancillary to a construction project will be subject to complying with the noise mitigation requirements of Rule NOISE-R4 in the Noise Chapter.
- 12.17.2. Rule NOISE-R4 in the Noise Chapter only applies to noise sensitive activities occurring within the 55 dB Ldn Airport Noise Control Overlay, whereas CIAL's requested amendments to TEMP-REQ4 seek that resource consent is required for any temporary accommodation occurring within temporary buildings and structures ancillary to a construction project situated within the 50 dB Ldn Airport Noise Control Overlay (which includes, but extends beyond the 55 dB Ldn Airport Noise Control Overlay as mentioned above). CIAL's requested amendments to TEMP-REQ4 are considered onerous, as they will impose unnecessary resource consent requirements on those properties located within the 50 dB Ldn Airport Noise Control Overlay but outside of the 55 dB Ldn Airport Noise Control Overlay that are not currently subject to noise mitigation requirements under Rule NOISE-R4 in the Noise Chapter. Therefore, to ensure consistency across the PDP and to avoid unnecessary duplication of the provisions in the PDP which manage reverse sensitivity effects arising from residential activities within the Christchurch International Airport Noise Control Overlays, I recommend that CIAL's requested amendments to TEMP-REQ4 be rejected.

Recommendations and amendments

12.18 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend TEMP-REQ4 as shown in **Appendix 2** to increase the maximum permitted GFA for temporary buildings and structures ancillary to a construction project erected within the KNOZ as a permitted activity.

12.19 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

12.20 The scale of change does not require a s32AA evaluation.

TEMP-REQ5

Submissions

12.21 One submission point and one further submission point were received in relation to TEMP-REQ5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0371	CIAL	055	Neither Support Nor Oppose	Amend as follows: <u>2. Commercial filming shall not take place within the 50 dB Ldn Air Noise Contour unless a design report shows compliance with NOISE-TABLE2.</u> Notification: Any application arising from TEMP-REQ5. shall not be subject to public notification. <u>Any application involving arising from TEMP-REQ5 (2) shall be limited notified at least to Christchurch International Airport (absent its written approval).</u>
DPR-0353	Hort NZ	FS118	Oppose	Reject

Analysis

12.22 CIAL³⁵ seeks that a new rule requirement is added to TEMP-REQ5 to restrict commercial filming within the 50 dB Ldn Air Noise Contour unless a design report shows compliance with NOISE-TABLE2 in the Noise Chapter and that they be notified of any application not complying with this requirement. Failure to comply with this new rule requirement would require resource consent for a Restricted Discretionary Activity. CIAL's reasoning is that commercial filming requires sound stages and other facilities which need a quiet environment in which to operate, and are therefore not considered compatible with a location within the 50 dB Ldn Air Noise Contour. It is recommended that this submission point by CIAL be rejected and TEMP-REQ5 be retained as notified for the following reasons:

12.22.1. CIAL's concerns relate to potential adverse effects of aircraft noise on filming undertaken indoors within studios or within other facilities, which is why they are seeking that commercial filming within the 50 dB Ldn Air Noise Contour is only permitted subject to compliance with indoor noise design standards in NOISE-TABLE2 of the Noise Chapter. It is important to note that NOISE-TABLE2 as notified does not include commercial filming. However, CIAL has sought to add commercial filming to NOISE-TABLE2 as part of submission point DPR-0371.053. The s42A report for the Noise Chapter³⁶ makes a recommendation not to add commercial filming to NOISE-TABLE2, for the reasons set out in Paragraph 24.8 in that report which I agree with. Therefore, as it is recommended not to add commercial filming to NOISE-TABLE2 it is not considered appropriate to insert CIAL's new rule requirement to TEMP-REQ5.

³⁵ DPR-0371.055 CIAL

³⁶ [Council's Section 42A Noise Report](#), Paragraph 24.8

- 12.22.2. The Temporary Activities Chapter only deals with temporary commercial filming activities, not permanent filming spaces or activities. Sound stages and other filming facilities are usually associated with permanent commercial filming spaces that have been established on a site. TEMP-Overview makes it clear that the temporary activity provisions in the Temporary Activities Chapter do not apply to activities and buildings anticipated by the Area-Specific Chapters in the PDP or within the expected scope of operations for permanent facilities.
- 12.22.3. Inserting the new rule requirement to TEMP-REQ5 using the wording proposed by CIAL will require any commercial filming undertaken on a site (whether undertaken outside or indoors) to comply with the new rule requirement. This is not considered appropriate, as outdoor commercial filming activities will not be able to achieve compliance given that a design report is required to demonstrate compliance with indoor noise standards. Therefore, if the new rule requirement is inserted to TEMP-REQ5 as is, any commercial filming undertaken outdoors will require resource consent. Given that CIAL's concerns in their submission relate to the potential reverse sensitivity effects of aircraft noise on filming undertaken indoors, the new rule requirement sought by CIAL is considered onerous.

Recommendation

- 12.23 I recommend, for the reasons given above, that the Hearings Panel retain the provision as notified.
- 12.24 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13. Matters for Control or Discretion

TEMP-MAT 1 Matters for Control or Discretion

Submission

- 13.1 One submission point was received in relation to TEMP-MAT1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	Waka Kotahi	160	Support In Part	Amend as follows: The extent to which the activity will: 1. adversely affect amenity and health and safety; 2. positively contribute to the social, economic, and cultural wellbeing of communities. <u>3. adversely affect the safe, effective and efficient functioning of the state highway network.</u>

Analysis

- 13.2 Waka Kotahi³⁷ seeks that a new assessment matter is added to TEMP-MAT1 to allow for the consideration of the extent to which temporary activities will adversely affect the safe, effective and efficient functioning of the State Highway network. As temporary activities have the potential to

³⁷ DPR-0375.160 Waka Kotahi

generate adverse effects on roads as a result of increased traffic movements or potential road closures, I consider it appropriate to add the new assessment matter to TEMP-MAT1. However, for the same reasons set out in Section 10 of this report in relation to Waka Kotahi's submission point DPR-0375.158 to add a new sub-clause to TEMP-P1, I consider it preferable that the new assessment matter refers to "any road" rather than "the State Highway network" to ensure that effects on all roads within the District are considered. I consider this change is within the scope of the submission point. The inclusion of the new assessment matter to TEMP-MAT1 will provide a better connection to the policies, especially if the new sub-clause to policy TEMP-P1 requested by Waka Kotahi is inserted into the PDP as recommended in Section 10 of this report. Therefore, I recommend that the submission point by Waka Kotahi be accepted in part.

Recommendations and amendments

13.3 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend TEMP-MAT1 as shown in **Appendix 2** to ensure that the potential adverse effects of temporary activities on all roads are taken into consideration.

13.4 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13.5 The scale of change does not require a s32AA evaluation.

14. Non-Notification Clauses

Introduction

14.1 This section responds to the submission points relating to the addition of non-notification clauses in relation to all Controlled and Restricted Discretionary Activities in the Temporary Activities Chapter.

Submissions

14.2 Four submissions points and twenty nine further submission points were received in relation to non-notification clauses.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	420	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS206	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road Re-zoning	FS937	Support	Accept submission
DPR-0371	CIAL	FS058	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS357	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS131	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0453	LPC	FS058	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS027	Support	Accept submission
DPR-0363	IRHL	440	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS235	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning	FS966	Support	Accept submission
DPR-0371	CIAL	FS156	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS359	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS160	Support	Not Specified
DPR-0422	NCFF	FS213	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	LPC	FS154	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS056	Support	Accept submission
DPR-0374	RIHL	486	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS273	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning	FS020	Support	Accept submission
DPR-0371	CIAL	FS087	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS360	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS194	Support	Not Specified
DPR-0453	LPC	FS087	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS090	Support	Accept submission
DPR-0384	RIDL	519	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS308	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road Re-zoning	FS1027	Support	Accept submission
DPR-0371	CIAL	FS120	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS361	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS228	Support	Not Specified
DPR-0453	LPC	FS120	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS124	Support	Accept the submission

Analysis

- 14.3 RWRL³⁸, IRHL³⁹, RIHL⁴⁰ and RIDL⁴¹ seek that non-notification clauses be added to all Controlled and Restricted Discretionary Activities. In the Temporary Activities Chapter, this would apply to non-compliance with any rule requirement, as non-compliance with TEMP-REQ1, TEMP-REQ2, TEMP-REQ4, TEMP-REQ5 and TEMP-REQ6 would require resource consent for a Restricted Discretionary Activity and non-compliance with TEMP-REQ3 would require resource consent for a Controlled Activity. Public notification of applications is already precluded where there is a non-compliance with TEMP-REQ3 through to TEMP-REQ6. In terms of precluding public notification for any breach of TEMP-REQ1 and TEMP-REQ2, it is not considered appropriate because there is the potential for adverse effects to be more than minor, and therefore the ability for the public to comment on applications arising from these rule requirements should not be precluded. In terms of precluding limited notification for any breach of any rule requirement, it is not considered appropriate because there is the potential for neighbouring properties and beyond to be directly affected, and therefore they should be consulted. This would be tested under Section 95 of the RMA on a case by case basis depending on the circumstances of any resource consent application. As such, I recommend that the submission point by RWRL, IRHL, RIHL and RIDL be rejected and that no additional non-notification clauses be added to the provisions in the Temporary Activities Chapter.

Recommendation

- 14.4 I recommend, for the reasons given above, that the Hearings Panel retain the Temporary Activities Chapter as notified with respect to non-notification clauses.
- 14.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15. Freedom Camping

Introduction

- 15.1 This section responds to the submission point relating to freedom camping.

³⁸ DPR-0358.420 RWRL

³⁹ DPR-0363.440 IRHL

⁴⁰ DPR-0374.486 RIHL

⁴¹ DPR-0384.519 RIDL

Submissions

15.2 One submission point and one further submission point were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0464	NZMCA	002	NON-DPR	Oppose In Part	Amend the PDP to explicitly permit freedom camping without the need to comply district plan standards.
DPR-0375	Waka Kotahi	FS358	NON-DPR	Oppose In Part	Further consideration is given to this matter prior to any amendment.

Analysis

15.3 NZMCA⁴² seeks to amend the PDP to explicitly permit freedom camping without the need to comply with the provisions in the PDP in areas where it is permitted under a Council bylaw and a RMP. Freedom camping is not managed by District Plans. It is instead managed/regulated by Council Bylaws created under the Freedom Camping Act 2011 and RMPs approved under the Reserves Act 1977. Freedom camping within the District is currently permitted at Coes Ford, Chamberlains Ford, Lakeside Domain, Whitecliffs Domain, and Harper Intake. Approved RMPs for Coes Ford, Chamberlains Ford and Lakeside Domain currently permit freedom camping within these reserves. The PDP as notified only contains rules for managing visitor accommodation and camping grounds within the District where a fee is required to be paid, but does not contain any rules for managing or permitting freedom camping where no fee is required to be paid. As the PDP is an activities based plan, it is therefore important to ensure that freedom camping is permitted under the PDP in those areas where it is permitted under an approved RMP to avoid the need for resource consent as a Discretionary Activity under the “catch all” rules in the PDP. The best approach to ensure freedom camping is permitted within these areas, is to amend the PDP’s definition of “camping ground facility” to ensure that it includes camping where a fee is required to be paid and camping where no fee is required to be paid (i.e. freedom camping). Rules LRZ-R15, SETZ-R15 and GRUZ-R31 in the PDP currently permit the establishment of a new or the enlargement/expansion of an existing camping ground facility within the LRZ, SETZ and GRUZ in the District where it is permitted within a RMP approved under the Reserves Act 1977. Any camping ground facility established under Rule GRUZ-R31 as a permitted activity is also subject to meeting rule requirements (i.e. GRUZ-REQ10 and GRUZ-REQ11) relating to setbacks from intensive primary production and mineral extraction. If the definition of “camping ground facility” in the PDP is amended as recommended above, Rules LRZ-R15, SETZ-R15 and GRUZ-R31 in the PDP will manage freedom camping within the District where it is permitted under an approved RMP. Camping ground facilities are either not listed or permitted within the LLRZ, GRZ, NCZ, LCZ, LFRZ, TCZ, GIZ, DPZ, GRAZ, KNOZ, MPZ, PORTZ, SKIZ and TEZ Chapters in the PDP. As such, resource consent would be required to establish and operate camping ground facilities within these zones in the District. However, as freedom camping is currently only permitted within the rural areas within the District, it is anticipated that Rule GRUZ-R31 will mainly manage freedom camping within the District. If the definition of “camping ground facility” is amended, then resource consent would be required for any proposal to establish and operate a camping ground facility on land within the LRZ, SETZ and GRUZ that is not subject to an approved RMP that permits

⁴² DPR-0464.002 NZMCA

freedom camping or where the rule requirements under Rule GRUZ-R31 are not met. As I am not recommending to explicitly permit freedom camping in the PDP within all zones in the PDP and to only permit it where it is permitted under an approved RMP, I recommend that the submission point by NZMCA be accepted in part and that the definition of “camping ground facility” be amended as shown in Appendix 2 of this report.

Recommendations and amendments

15.4 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend the definition of “camping ground facility” within the Definitions Chapter in the PDP, as shown in **Appendix 2** to permit freedom camping under the PDP in areas where it is permitted within an approved RMP.

15.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

15.6 The scale of change does not require a s32AA evaluation.

16. Conclusion

16.1 For the reasons included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.