Proposed Waitaki District Plan

Section 42A Report: Temporary Activities Chapter

Report on submissions and further submissions

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Appendix 1 Recommended Changes to Provisions
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Abbreviations

Abbreviation	Full Text
Council	Waitaki District Council
CRPS	Canterbury Regional Policy Statement 2013
NES	National Environmental Standard
NES-CF	National Environmental Standards for Commercial Forestry 2023
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-DMRU	National Environmental Standards for Detached Minor Residential Units 2025
NES-ETA	National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities
NES-FW	National Environmental Standards for Freshwater 2020
NES-P	National Environmental Standards for Papakāinga 2026
NES-DW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-EN	National Policy Statement for Electricity Networks 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-I	National Policy Statement for Infrastructure 2025
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-NH	National Policy Statement for Natural Hazards 2025
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPStds	National Planning Standards 2019
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative Waitaki District Plan
ORPS	Otago Regional Policy Statement 2019
PDP	Proposed Waitaki District Plan
ORPS	Otago Regional Policy Statement 2021
RMA	Resource Management Act 1991
TMTA	Temporary Military Training Activities

1 Submitters Addressed in Report

The tables below list the original and further submitters addressed in this report.

Table 1: Original Submitters Addressed in this Report

Sub	Submitter Name	on Behalf of	Abbreviation
21	Aircraft Owners and Pilots Association (AOPA) and North Otago Aero Club (NOAC)		AOPA & NOAC
83	Waitaki District Council		WDC
95	Steve Woodside		S Woodside
163	Fire and Emergency New Zealand	Fire and Emergency New Zealand	FENZ 2
165	Bryry Trust		Bryry Trust
180	NZAAA / NZHA		NZAAA & NZHA
189	New Zealand Defence Force		NZDF
194	Director-General of Conservation		DOC
195	New Zealand Pork Industry Board		NZ Pork
233	KiwiRail Holdings Limited		KiwiRail
244	Telecommunication Companies		Telcos
245	Becky Martin		B Martin
250	Alister and Janine Bremner		A & J Bremner
252	Hollamby Family Trust		Hollamby Trust
265	Geoff and Katrina Taylor		G & K Taylor
267	Kelvin and Debbie Weir		K & D Weir
268	Ryan and Hayley Ambler		R & H Ambler
269	Brenda & Ken McLeod		B & K McLeod
271	Canterbury Regional Council		CRC
272	Dave and Karen Ellis		D & K Ellis
282	Dogterom Thomson Ltd		DTL
283	Dogterom Hohepa Ltd		DHL
284	Dogterom Duntroon Ltd		DDL
285	Barry and Anne Matthews		B & A Matthews
287	P K M Farms Limited		PKM Farms
290	Philip and Becky Wilson		P & B Wilson
291	Peter and Janine Stackhouse		P & J Stackhouse
292	Robert and Sylvia Borst		R & S Borst
293	Brock and Gemma Hamilton		B & G Hamilton
296	Gavin Simpson		G Simpson 2
297	Parkside Holdings Ltd		Parkside

Sub	Submitter Name	on Behalf of	Abbreviation
298	Alastair and Carrie Gibson		A & C Gibson
299	Twin Terraces Ltd & Cayuga Ltd		TT & Cayuga
300	Adrianus and Francisca Verbakel & others		A & F Verbakel
301	Carolyn Thelning		C Thelning
302	Peter and Sandra Mitchell		P & S Mitchell
303	Terry and Fiona Conlan		T & F Conlan
304	Kirsty and Nathan McLachlan		K & N McLachlan
305	Erin Nivonne Schultz		E Schultz
306	Waitaki Property Guardians Incorporated		WPG 2
312	Springbank		Springbank
313	Geoff & Jan Keeling - Keeling Dairies Limited		Keeling Dairies

Table 2: Further Submitters Addressed in this Report

F Sub	Further Submitter Name	on Behalf of	Abbreviation
FS197	PowerNet Limited		PowerNet
FS180	NZ Agricultural Aviation Association		NZAAA
FS189	New Zealand Defence Force		NZDF
FS288	Network Waitaki Limited		Network Waitaki
FS306	Waitaki Property Guardians Incorporated		WPG

2 Introduction

2.1 Experience and Qualifications

1. My full name is Briar Alayne Belgrave. I am a Partner at Barker & Associates, where I have worked for the past nine years. I have a Masters in Resource and Environmental Planning with Honours from Massey University and a Bachelor of Arts in Geography and Communications from Canterbury University. I am a full member of the New Zealand Planning Institute.

2. I have over 13 years' planning experience, which includes a range of position from graduate planner through to Partner across central government, local government, and private consultancy sectors in New Zealand and Australia. My experience includes policy and strategic planning, spatial planning, and central government policy development (including preparing and advising on National Policy Statements and National Environmental Standards and Resource Management Act Reforms), issues and options reporting for district plan reviews, district plan drafting, section 32 reports, section 42A reports and resource consent applications and assessments. My planning work has been undertaken throughout New Zealand, including in the Far North, Whangārei, Auckland, Waikato, Gisborne, Manawatū-Whanganui, New Plymouth, Wellington, West Coast, Waitaki and Southland. I have been involved in the Waitaki District Plan Review since 2019, initially preparing the Natural Hazards chapter provisions and section 32 report, before taking on a broader role drafting provisions and preparing section 32 reports across a range of topics and assisting with the integration of the District Plan following drafting.

3. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no real or perceived conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

2.2 Purpose and Scope of this Report

4. 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 in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.

5. This report is prepared under s42A of the RMA in relation to Temporary Activities in the PDP. It covers the following matters:

    - Part 2 – District Wide Matters/Temporary Activities – district wide provisions relating to temporary activities; and
    - Definitions relating to the above provisions, including:

- Aircraft;
- Helicopter landing area; and
- Temporary activity.

6. This report considers the submissions and further submissions that were received in relation to Temporary Activities. It includes recommendations to either retain provisions without amendment, or to delete, add to, or amend provisions in response to submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Recommended responses to each submission are given in **Appendix 2**.

7. Where changes are recommended, an evaluation has been undertaken in accordance with Section 32AA of the RMA.

8. 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.

2.3 Submissions on Withdrawn PDP Provisions

9. On 15 January 2026, the Council withdrew aspects of the PDP that would no longer be progressed under the Plan Stop provisions in subpart 5B of the RMA. No parts of the Temporary Activities Topic were withdrawn.

3 Topic Overview

3.1 Summary of Relevant Provisions of the PDP

10. This report relates to provisions associated with Temporary Activities. This section of the report provides a brief summary of the provisions relevant to this topic.

3.1.1 Temporary Activities Chapter

11. The Temporary Activities chapter (TEMP) includes two objectives and two policies:

- TEMP-O1 Positive effects of temporary activities
- TEMP-O2 Temporary activity – adverse effects
- TEMP-P1 Enabling temporary activities
- TEMP-P2 Temporary military training activities

12. These recognise the positive effects of temporary activities, whilst managing potential adverse effects. TEMP-P2 particularly provides for temporary military training activities.

13. Rules and standards in a hierarchy of activity status reflect the different types, locations and potential effects of temporary activities.

14. A number of new definitions, including those from the NPStds.

3.2 Background to Relevant Provisions

15. Chapters 11 and 10 of the ODP apply to temporary buildings and temporary activities, which includes rules applying to temporary buildings, activities and temporary military training activities.

16. No NPS or NES are directly relevant to the TEMP chapter.

17. In accordance with the Section 7 clause 7 of the NPStds, the PDP includes a standalone chapter for the management of temporary activities, buildings, and events in the TEMP chapter.

18. The TEMP chapter also includes a number of definitions to align with the NPStds, including building, height, structure, and temporary military training activity.

4 Overview of Submissions

19. The full list of submission points addressed in this report is set out in **Appendix 2**. Overall, 139 original submission points and 10 further submission points are addressed.

20. The following table provides a brief summary of the key issues raised in submissions, which are discussed in more detail in the 'Evaluation of Submissions' section of this report.

Table 3: Summary of Key Issues Raised in Submissions

Issue Name	Summary of Issue	Position of Submitters
Glossary and definitions	Amendments to improve clarity of terms associated with Temporary activities.	4 submissions seek new definitions. 1 submission seeks to amend the *Aircraft* definition. 2 submissions seek to amend the *Helicopter landing area* definition. 2 submissions support the definition of *Temporary activity* and 24 submissions seek to amend the definition.
Temporary Activities General	General support, amendment or opposition to the TEMP Chapter.	3 submissions support in general the TEMP Chapter. 21 submissions seek to amend the TEMP Chapter.
TEMP Chapter Objectives	Objectives of the TEMP Chapter.	8 submissions support TEMP-O1. 7 submissions support TEMP-O2 and 1 submission seeks to amend.
TEMP Chapter Policies	Policies of TEMP Chapter	5 submissions support TEMP-P1. 7 submissions support TEMP-P2.

Issue Name	Summary of Issue	Position of Submitters
TEMP Chapter Rules	Rules of the TEMP Chapter	2 submissions support TEMP-R1 and 10 submissions seek to amend. 1 submission seeks to amend TEMP-R2 6 submissions support TEMP-R3 and 1 submission seeks to amend. 1 submission seeks to amend TEMP-R4. 2 submissions seek to amend TEMP-R5. 6 submission supports TEMP-R6 and 25 submissions seek to amend.

5 Relevant Statutory Provisions

21. The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

22. In addition, assessment of the PDP must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

6 Statutory Instruments

23. The s32 reports for Temporary Activities set out the statutory requirements and relevant planning context for this topic in more detail. The section below summarises the most relevant provisions from the most relevant planning instruments and highlights any pertinent changes to national direction that have occurred since the PDP was notified.

6.1 Resource Management Act 1991

24. Relevant to the topic of Temporary Activities are the following sections of the RMA:

    - S7(c) the maintenance and enhancement of amenity values; and
    - S7(f) the maintenance and enhancement of the quality of the environment.

25. The TEMP Activities Chapter does not directly address any matters of national importance identified in section 6 of the RMA. However, temporary activities may be located within, or affect, areas subject to those matters, including outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna, historic heritage, and the coastal environment.

26. The section 7 matters most relevant to the TEMP Chapter are the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)). These matters are reflected in the chapter's approach to enabling temporary activities whilst managing the adverse effects of temporary activities on the wider environment.

27. Section 8 requires the Council to take into account the principles of Te Tiriti o Waitangi / the Treaty of Waitangi in exercising its functions and powers under the RMA. The TEMP chapter has been developed having regard to those principles, while recognising that renewable energy generation related activities may intersect with matters of importance to mana whenua that are addressed elsewhere in the PDP.

6.2 Te Tiriti o Waitangi

28. All persons acting under the RMA (including applicants, councils and tangata whenua) must take into account the principles of the Te Tiriti o Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2022 (LGA).

29. The Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP) is the principal planning document of the four papatipu rūnaka that form Kāi Tahu ki Otago. The KTKO NRMP provides information, direction and a framework to promote understanding of the resource values, concerns and issues of Kāi Tahu ki Otago. This iwi management plan is focused on natural resources, waahi tapu and waahi tupuna and cultural landscapes and does not contain any objectives of direct relevance to the TEMP chapter.

30. The Waitaki Iwi Management Plan 2019 (WIMP) represents the planning document of three rūnaka and the expression of their rakatirataka within the Waitaki River catchment. The WIMP represents the planning document of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki and is an expression of their rakatirataka and kaitiaki responsibilities within the Waitaki catchment. While the WIMP does not contain objectives or policies specifically addressing temporary activities, several provisions are relevant to the management of their potential effects.

31. In particular, the WIMP seeks the protection of wāhi tūpuna and cultural landscapes and identifies that activities permitted by district and regional plans can threaten cultural landscapes. The associated policies seek identification and protection of the

components of cultural landscapes and appropriate involvement of Manawhenua where activities threaten wāhi tūpuna values.

32. The WIMP also contains provisions relating to recreational and commercial activities in the Aoraki area, including policies seeking to avoid degradation of Kāi Tahu values and to work with aircraft user groups to uphold Kāi Tahu values associated with Aoraki and Kā Roimata o Aoraki. These provisions are potentially relevant to temporary events, filming and aircraft activities provided for through the TEMP chapter.

33. I consider that these matters are appropriately addressed through the TEMP chapter in conjunction with the wider PDP provisions applying to wāhi tūpuna, cultural values and other relevant overlays.

6.3 Canterbury Regional Policy Statement (2013) and Otago Regional Policy Statement (2021)

34. The CRPS 2013 and the ORPS 2021 set the overall strategic statutory framework to achieve integrated management of natural and physical resources. The relevant provisions of both RPS set out the management of development and activities to provide for social, economic, and cultural well-being and health and safety while managing the potential effects on the environment.

7 Evaluation of Submissions

7.1 Approach to Evaluation

35. Submissions addressed under the Temporary Activities topic address provisions across the PDP and assessment has been undertaken on a topic by topic, provisions by provision basis that generally aligns with provisions as outlined under the summary of key issues raised (Table 3) and follows the order of the TEMP Chapter:

- Glossary and definitions
- TEMP Chapter, general submissions
- TEMP Chapter objectives and policies
- TEMP Chapter rules and standards

36. Where multiple submission points seek the same relief, those points will be grouped by theme.

37. The assessment of submissions generally follows the following format:

- A brief summary of the relevant submission points.
- An analysis of those submission points.
- Recommendations, including any amendments to plan provisions and the related assessment under s32AA.

38. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the

PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.

39. Clause 16(2), Schedule 1 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. Any changes recommended under clause 16(2) are footnoted as such.

40. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

    - Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
    - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
    - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

7.2 Provisions where No Change is Sought

41. The following provisions included within the TEMP Chapter were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a cl 16(2) change is recommended):

    - TEMP-R7 Temporary outdoor storage or display for sale of goods on a site vacant of buildings

7.3 Definitions

42. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 35 original submission points and 6 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
NZAAA & NZHA	180.1, 180.3, 180.7, 180.11, 180.2, 180.6, 180.12

Submitter Name	Submission Point Number(s)
NZDF	189.3, 189.5
FENZ 2	163.8
G & K Taylor	265.17
K & D Weir	267.17
B & K McLeod	269.17
CRC	271.59
DTL	282.17
DHL	283.17
DDL	284.17
B & A Matthews	285.17
P & B Wilson	290.17
P & J Stackhouse	291.17
R & S Borst	292.17
B & G Hamilton	293.17
G Simpson 2	296.17
Parkside	297.17
A & C Gibson	298.17
TT & Cayuga	299.17
A & F Verbakel	300.17
C Thelning	301.17
P & S Mitchell	302.17
T & F Conlan	303.17
K & N McLachlan	304.17
E Schultz	305.17
WPG 2	306.17
Springbank	312.25
Keeling Dairies	313.329
Further Submitter Name	**Submission Point Number(s)**
NZDF	FS189
NZAAA	FS180

7.3.1 Submissions

43. NZAAA & NZHA [180.1, 180.3, 180.7, 180.11] seek to have new definitions for *Agricultural aviation activity, Airfield, Heliport* and *Rural airstrips*, considering these appropriately recognise and provide for agricultural aviation.

44. NZAAA & NZHA [180.2] supports the definition of *Aircraft* but seeks amendment not to manage small unmanned aerial vehicles that have minimal effects.

45. NZAAA & NZHA [180.6] oppose the definition of *Helicopter landing area* in part and seek amendments to clarify that the definition applies to intermittent, infrequent or temporary helicopter landing areas, rather than permanent heliports used regularly.

46. NZDF [189.3] support the exclusion for helicopter landings associated with military training exercises. NZDF seeks to be added to the exclusion list for helicopter landings for emergencies and use of temporary military training activities. NZDF [189.3] supports the definition of *Helicopter landing area* seeking amendment to add NDZF to the exclusion for helicopter landings for emergencies and NZDF [FS189] oppose relief sought by NZAAA submission against the definition of *Helicopter landing area* [189.6] agreeing that there is inconsistency and lack of clarity in the defined terms including *helicopter landing area* and *aircraft*, and how these terms are used in the rules. NZDF does not oppose distinguishing between temporary and permanent facilities provided that the definitions and rules achieve the following:

    - Consistency between the defined terms and the terms used in the rules.
    - Clear exemptions for emergencies and *temporary military training activities* as sought in NZDF's original submission.

47. NZAAA & NZHA [180.12], NZDF [189.5], G & K Taylor [265.17], K & D Weir [267.17], B & K McLeod [269.17], DTL [282.17], DHL [283.17], DDL [284.17], B & A Matthews [285.17], P & B Wilson [290.17], P & J Stackhouse [291.17], R & S Borst [292.17], B & G Hamilton [293.17], G Simpson 2 [296.17], Parkside [297.17], A & C Gibson [298.17], TT & Cayuga [299.17], A & F Verbakel [300.17], C Thelning [301.17], P & S Mitchell [302.17], T & F Conlan [303.17], K & N McLachlan [304.17], K & N McLachlan [304.17], E Schultz [305.17], WPG 2 [306.17], Springbank [312.25] and Keeling Dairies [313.329] support the definition of *Temporary activity,* subject to amendments to clause (6) in which 'helicopter' could be interpreted too broadly. They consider 'aircraft' is a more appropriate term.

48. FENZ 2 [163.8] and CRC [271.59] support the definition of *Temporary activity* and seek to retain as notified.

49. NZDF [189.5] supports in part the definition of *Temporary Activity,* noting that it does not include TMTA in the inclusions. NZDF supports TMTA being included in the definition to ensure that provisions enabling and supporting temporary activities, including objectives TEMP-O1 and TEMP-O2, apply to TMTA. In addition, the definition of Temporary activity states *"Temporary activities do not include the construction of buildings"*. It is unclear what this means, particularly as temporary activities themselves include ancillary buildings and structures. The intention of this statement needs to be clarified.

7.3.2 Analysis

50. I do not support the relief sought by NZAAA & NZHA [180.2] seeking to amend the definition of *Aircraft*. In my opinion amending the definition of *Aircraft* to manage small unmanned aerial vehicles that have minimal effects relating to the use of 'land', would result in effects assessment being necessary to determine compliance with the definition

rather than maintaining a clear black-and-white defined term. The relief sought would result in uncertainty.

51. I do not support the relief sought by NZAAA & NZHA [180.2] to amend the definition of *Aircraft* to exclude drones and unmanned aerial vehicles below the specified weight threshold. I acknowledge that the amendment would exclude smaller unmanned aircraft from the definition rather than subject them to additional management. However, I consider the notified definition provides a clear and consistent description of aircraft and appropriately confirms that drones and unmanned aerial vehicles are included. I also note that the operation of remotely piloted aircraft is separately regulated under the Civil Aviation Rules, including Part 101, which establishes operational and mass requirements for unmanned aircraft. In my opinion, introducing a separate 200 kg exclusion into the PDP definition would create an unnecessary distinction that does not align with the relevant Civil Aviation Rules and could create uncertainty as to the application of provisions using the defined term *Aircraft*. I therefore recommend retaining the definition as notified.

52. As notified the PDP does not include definitions for *Agricultural aviation activity*, *Airfield*, *Heliport* and *Rural airstrips* as sought by NZAAA & NZHA [180.1, 180.3, 180.7, 180.11]. I note that these are not definitions required in accordance with the NPStds, which does however require plan rules to manage noise in accordance with the mandatory noise measurement methods and symbols of the New Zealand Standard 6807:1994 – Noise Management and land Use Planning for Helicopter Landing Areas (Mandatory Direction 15). Having reviewed the provisions of the PDP I am comfortable with the scope of the notified definitions of *aircraft* and *helicopter landing area* as appropriate. Additional definitions as requested are not necessary to improve clarity or implementation of the PDP.

53. I agree with NZDF [FS189] that the definitions of *Helicopter landing area* and *aircraft* are inconsistently applied within PDP. I also note that numerous submitters have supported the definition of *Temporary activity,* subject to amendments to clause (6) as *helicopter* could be interpreted too broadly. I disagree with these submitters; it is my understanding that the PDP definition of *aircraft* includes helicopters which derive their lift and support from the reaction of air on their rotating blades (rotors).

    Aircraft

    means any machine that can derive support in the atmosphere from the reactions of air otherwise than by reactions of the air against the surface of the earth excluding kites.

    Note: this definition includes drones and unmanned aerial vehicles (UAV's).

54. I do note however, that there are inconsistencies as to how aircraft, helicopters and landing areas are provided for in TEMP-R6 which is addressed further in section 7.14.

55. I agree with NZDF [189.5] that PDP definitions of *Temporary Activity* and *Temporary Military Training Activity* overlap and that the relief sought will ensure TEMP-O1 and TEMP-O2 is given effect to via TEMP-P2 and TEMP-R5. NZDF have also identified duplication of inclusions/exemptions within the definition of *Temporary Activity* applying to construction of buildings. I note that rule TEMP-R3 specifically provides for temporary buildings and

structures ancillary to temporary activities, and the exclusion in the definition would result in this rule being *ultra vires*.

7.3.3 Recommendations

56. I recommend the following changes to the definition of *Helicopter landing areas:*

    Helicopter landing area

    means any area of land, building, or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing, other than:

    1. helicopter landings for emergencies by police, fire service, New Zealand Defence Force;[1]
    2. ambulance, or for search and rescue purposes;
    3. helicopter landings associated with military training exercises;
    4. normal airport operations; or
    5. rural farming operations (where the site boundary is greater than 2km from a boundary with the Settlement Zone or Rural Lifestyle Zone).

57. I recommend the following changes to the definition of *Temporary activity:*

    Temporary activity

    means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence and are not part of a permanent activity that occurs on the site.

    They include:

    1. fairs; festivals and special events;
    2. commercial filming or video production activities;
    3. public firework displays and lighting shows;
    4. buildings and structures ancillary to construction projects;
    5. temporary farmers or crafts markets; and
    6. temporary ~~helicopter~~ aircraft use ~~take-offs and landings~~; ~~and~~[2]
    7. temporary emergency service training activities~~.~~ ; and
    8. temporary military training activities[3].

    ~~Temporary activities do not include the construction of buildings.~~[4]

[1] Accept: NZDF [189.3]
[2] Accept NZDF [189.5] and NZDF [FS189]
[3] Accept NZDF [189.5] and NZDF [FS189]
[4] Accept NZDF [189.5] and NZDF [FS189]

7.3.4 Evaluation

58. The recommended changes will remove inconsistencies and duplication within the plan, improving implementation and the interpretation of definitions.

7.4 Temporary Activities – General

59. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 24 original submission points and 2 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
NZDF	189.1, 189.52
DOC	194.117
G & K Taylor	265.263
K & D Weir	267.218
B & K McLeod	269.218
DTL	282.131
DHL	283.217
DDL	284.214
B & A Matthews	285.214
P & B Wilson	290.214
P & J Stackhouse	291.214
R & S Borst	292.213
B & G Hamilton	293.214
G Simpson 2	296.215
Parkside	297.197
TT & Cayuga	298.214
A & F Verbakel	299.214
C Thelning	301.213
P & S Mitchell	302.214
T & F Conlan	303.215
K & N McLachlan	304.214
Keeling Dairies	313.208
Telcos	244.108
Further Submitter Name	**Submission Point Number(s)**
PowerNet	FS197
Network Waitaki Limited	FS288

7.4.1 Submissions

60. NZDF [189.1] support in part a specific chapter for *Temporary activities* and provisions enabling *Temporary military training activities* (TMTA) to occur as a permitted activity across all zones. NZDF seeks amendments to ensure the provisions enable NZDF to undertake TMTA to uphold statuary purposes under the Defence Act 1990.

61. NZDF [189.52] supports the TEMP chapter approach, where temporary activity provision applies first and zone provisions only apply where activities are not otherwise provided for.

62. DOC [194.117] supports the TEMP chapter and seek that it be retained as notified.

63. G & K Taylor [265.263], K & D Weir [267.218], B & K McLeod [269.218], DTL [282.131], DHL [283.217], DDL [284.214], B & A Matthews [285.214], P & B Wilson [290.214], P & J Stackhouse [291.214], R & S Borst [292.213], B & G Hamilton [293.214], G Simpson 2 [296.215], Parkside [297.197], A & C Gibson [298.214], TT & Cayuga [299.214], A & F Verbakel [300.214], C Thelning [301.213], P & S Mitchell [302.214], T & F Conlan [303.215], K & N McLachlan [304.214] and Keeling Dairies [313.208] support the TEMP chapter, but seek that 'helicopter' and 'light aircraft' be replaced with *Aircraft*.

64. Telcos [244.108] support the provisions of the TEMP chapter in part, but seeks clarification in the introduction, specifically in relation to Rule INF-R16 which provides for temporary infrastructure. The submitter does not deem infrastructure activities applicable to this chapter.

7.4.2 Analysis

65. General support from NZDF [189.1 and 189.59] and DOC [194.117] is acknowledged, noting that changes are recommended to refine and improve implementation of provisions as recommended in this report.

66. I support the clarification sought by Telcos [244.108], which affords interpretation clarity and improves the implementation of the TEMP chapter. However, I note that the TEMP Chapter introduction does specifically reference "*Temporary works to infrastructure, such as maintenance, are addressed in the Infrastructure chapter of the Plan*" and in my opinion this affords sufficient direction to a plan user.

67. Numerous submitters have supported the TEMP chapter but seek that 'helicopter' and 'light aircraft' be replaced with *Aircraft*. The use of these terms is only contained within rule TEMP-R6 with submissions against rule TEMP-R6 addressed in section 7.14. I do not support the relief sought by these submitters for the reasons discussed in section 7.14.

7.4.3 Recommendations

68. I recommend the no change to the TEMP Introduction.

7.4.4 Evaluation

69. No change is recommended and, on this basis, no further evaluation is required under s32AA of the RMA.

7.5 Temporary Activities – TEMP-O1

70. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, eight original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
S Woodside	95.9
Bryry Trust	165.115
NZDF	189.53
B Martin	245.54
A & J Bremner	250.91
Hollamby Trust	252.77
D & K Ellis	272.99
PKM Farms	287.150

7.5.1 Submissions

71. S Woodside [95.9], Bryry Trust [165.115], NZDF [189.53], B Martin [245.54], A & J Bremner [250.91], Hollamby Trust [252.77], D & K Ellis [272.99], PKM Farms [287.150] support TEMP-O1 and seek that the enabling objective be retained as notified.

7.5.2 Analysis

72. Support from numerous submitters is acknowledged.

7.5.3 Recommendations

73. I recommend no changes to TEMP-O1.

7.5.4 Evaluation

74. No further s32AA is required.

7.6 Temporary Activities – TEMP-O2

75. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, eight original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
Bryry Trust	165.116
NZDF	189.54
KiwiRail	233.105

Submitter Name	Submission Point Number(s)
B Martin	245.55
A & J Bremner	250.92
Hollamby Trust	252.78
D & K Ellis	272.100
PKM Farms	287.151

7.6.1 Submissions

76. Bryry Trust [165.116], KiwiRail [233.105], B Martin [245.55], A & J Bremner [250.92], Hollamby Trust [252.78], D & K Ellis [272.100], PKM Farms [287.151] support TEMP-O2 and seek that the objective be retained as notified.

77. NZDF [189.54] supports TEMP-O2, however it seeks that the wording is amended to provide for TMTA or alternatively to amend TEMP-O2 to replace the term minimise with mitigate.

7.6.2 Analysis

78. Support from numerous submitters for TEMP-O2 as notified is acknowledged.

79. I do not support the relief sought by NZDF [189.54] to amend TEMP-O2 to specifically refer to TMTA, because I have recommended amendments to the definition of *Temporary Activities* to include TMTA which will ensure TEMP objectives apply appropriately to TMTA. I agree with NZDF that the requirement to minimise adverse effects is in my opinion a high bar particularly when considering the nature of temporary activities as defined.

7.6.3 Recommendations

80. I recommend that objective TEMP-O2 be amended as follows:

    TEMP-O2 Temporary activity – adverse effects

    A diverse range of temporary activities are enabled, where these ~~minimise~~ mitigate[5] both on and off-site adverse effects.

7.6.4 Evaluation

81. The amendment is considered to be a more appropriate and effective means of achieving the purpose of the RMA. Temporary activities are, by their nature, generally limited in duration and may encompass a diverse range of activities with differing operational characteristics and effects. Requiring all such activities to "minimise" adverse effects establishes a relatively high threshold that may unnecessarily constrain otherwise appropriate temporary activities. In comparison, requiring adverse effects to be "mitigated" provides a more proportionate and workable effects-management framework

[5] Accept in part: Bryry Trust [165.116], NZDF [189.54], KiwiRail [233.105], B Martin [245.55], A & J Bremner [250.92], Hollamby Trust [252.78], D & K Ellis [272.100] and PKM Farms [287.151].

while continuing to ensure that both on-site and off-site adverse effects are appropriately addressed.

82. The amendment is also more efficient because it provides greater flexibility for the scale and nature of mitigation to respond to the particular temporary activity and its effects. This is expected to reduce the risk of unnecessary compliance and consenting costs associated with demonstrating that adverse effects have been minimised, while retaining an appropriate environmental safeguard through the requirement to mitigate adverse effects.

83. There is sufficient information available to assess the costs, benefits and effectiveness of the amendment, and the risk of acting is considered to be low. Overall, the recommended amendment is considered to be a more appropriate, effective and efficient way of achieving the purpose of the RMA than TEMP-O2 as notified.

7.7 Temporary Activities – TEMP-P1

84. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, five original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
Bryry Trust	165.117
B Martin	245.56
A & J Bremner	250.93
D & K Ellis	272.101
PKM Farms	287.152

7.7.1 Submissions

85. Bryry Trust [165.117], B Martin [245.56], A & J Bremner [250.93], D & K Ellis [272.101] and PKM Farms [287.152] support TEMP-P1 and seek that the policy be retained as notified.

7.7.2 Analysis

86. Support for TEMP-P1 as notified from these submitters is acknowledged.

7.7.3 Recommendations

87. I recommend no changes to TEMP-P1.

7.7.4 Evaluation

88. No further s32AA evaluation is required.

7.8 Temporary Activities – TEMP-P2

89. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, seven original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
Bryry Trust	165.118
NZDF	189.55
KiwiRail	233.106
B Martin	245.57
A & J Bremner	250.94
D & K Ellis	272.102
PKM Farms	287.153

7.8.1 Submissions

90. Bryry Trust [165.118], NZDF [189.55], KiwiRail [233.106], B Martin [245.57], A & J Bremner [250.94], D & K Ellis [272.102] and PKM Farms [287.153] support TEMP-P2 and seek that the policy be retained as notified. NZDF [189.55] specifically supports TMTA as a permitted activity. KiwiRail [233.206] supports temporary activities where they do not adversely affect the transport network.

7.8.2 Analysis

91. Support for TEMP-P2 as notified from these submitters is acknowledged.

7.8.3 Recommendations

92. I recommend no changes to TEMP-P2.

7.8.4 Evaluation

93. No further s32AA evaluation is required.

7.9 Temporary Activities – TEMP-R1

94. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 12 original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
S Woodside	95.10
FENZ 2	163.56

Submitter Name	Submission Point Number(s)
Bryry Trust	165.119
NZDF	189.56
NZ Pork	195.37
KiwiRail	233.107
B Martin	245.58
A & J Bremner	250.95
Hollamby Trust	252.79
R & H Ambler	268.87
D & K Ellis	272.103
PKM Farms	287.154

7.9.1 Submissions

95. S Woodside [95.10] and FENZ 2 [163.56] support TEMP-R1 and seek the rule to be retained as notified.

96. Bryry Trust [165.119], B Martin [245.58], A & J Bremner [250.95], Hollamby Trust [252.79], R & H Ambler [268.87], D & K Ellis [272.103] and PKM Farms [287.154] support TEMP-R1 in part, however, seek amendments to increase the permitted duration for temporary activities as submitters consider the current three day limit in all other zones (Except GRZ) is too restrictive and may limit future diversification opportunities. They are seeking to amend the rule as follows:

97. Amend TEMP-R1 'Temporary activities (excluding building and construction projects)' as follows:

    Activity status: Permitted

    Where:

    PER-1

    The duration of the temporary activity must not exceed six ~~three~~ consecutive calendar days (excluding set up and pack down); and

    PER-2

    The site must not be used for any temporary activity more than 7 times in any calendar year; and

    PER-3

    The temporary activity must not operate outside of the following hours of operation: 7:00am –10:00pm Sunday to Thursday and 7:00am-12:00pm Friday and Saturday; and...

98. NZDF [189.56] opposes in part TEMP-R1 and seeks amendments to exclude TMTA.

99. NZ Pork [195.37] seeks that temporary activities are amended to comply with zone setback requirements to manage onsite and offsite effects.

100. KiwiRail [233.107] seeks that rail corridors be included in the PER-3 exception, as rail activities.

7.9.2 Analysis

101. Support from S Woodside [95.10] and FENZ 2 [163.56] is acknowledged.

102. In my opinion the TEMP-R1 sets permitted activity standards which appropriately apply limits to activities to ensure they operate on a temporary basis. The relief sought by Bryry Trust [165.119], B Martin [245.58], A & J Bremner [250.95], Hollamby Trust [252.79], R & H Ambler [268.87], D & K Ellis [272.103] and PKM Farms [287.154] increase duration of an event and lengthens hours of operation. In my opinion, these amendments would increase the potential for temporary activities to generate adverse effects, particularly where activities occur over a greater number of days or for longer periods within each day.

103. I consider the limits in TEMP-R1 provide an appropriate balance between enabling temporary activities without the need for resource consent and ensuring that the scale, duration and frequency of those activities remain consistent with their temporary nature. Where an activity exceeds these limits, I consider it appropriate that resource consent is required so that the particular circumstances of the activity and its potential effects can be assessed.

104. I agree with NZDF [189.56] in that the relief sought affords clarity and improves plan readability.

105. In my opinion the relief sought by NZ Pork [195.37] is not necessary to manage potential offsite effects, because buildings and structures are excluded from TEMP-R1 and are instead managed by TEMP-R3 which includes PER-3 and compliance with the relevant zone building setback standards.

106. For consistency with the hierarchy of provisions in Infrastructure Chapter and ensuring consistent plan interpretation, I support the relief sought by KiwiRail [233.107] to include an exception for temporary rail activities.

7.9.3 Recommendations

107. I recommend that TEMP-R1 Temporary activities (excluding building and construction projects) as follows:

TEMP-R1 Temporary activities (excluding building and construction projects and temporary military training activities)[6]

Town Centre Zone

Open Space Zone

Sport and Recreation Zone

Where:

PER-1

[6]NZDF [189.56]

The duration of the temporary activity must not exceed 5 consecutive calendar days (excluding set up and pack down); **and**

PER-2

The site must not be used for any temporary activity more than 12 times in any calendar year; or a maximum of 28 days in any calendar year; **and**

PER-3

PER-1 and PER-2 do not apply to temporary activities that occur on roads or within the rail corridor[7]; and...

7.9.4 Evaluation

108. The recommendation provides additional clarity to TEMP-R1 are considered to improve the effectiveness and efficiency of the provisions by making the application of the rule clearer and ensuring consistency with the hierarchy of provisions applying to infrastructure activities. The amendments are not anticipated to result in any material environmental costs, as temporary activities remain subject to the relevant standards and effects management framework applying under the Plan. The amendments are therefore considered to improve plan interpretation and administration, while maintaining an appropriate framework for managing the adverse effects of temporary activities. Overall, the recommended amendments are considered to be a more appropriate, effective and efficient means of achieving the relevant objectives than TEMP-R1 as notified.

7.10 Temporary Activities – TEMP-R2

109. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, one original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
NZDF	189.57

7.10.1 Submissions

110. NZDF [189.57] opposes TEMP-R2 and seeks amendments are made to clarify explicitly that the rule does not apply to TMTA.

7.10.2 Analysis

111. I agree with NZDF [189.57], the relief sought affords clarify and improves plan readability.

7.10.3 Recommendations

112. I recommend the following changes to TEMP-R2:

[7] KiwiRail [233.107]

TEMP-R2 Public fireworks displays or public light show displays (excluding temporary military training activities)[8]

7.10.4 Evaluation

113. The recommended changes improve clarity and ensure consistency between rules.

7.11 Temporary Activities – TEMP-R3

114. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, seven original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
Bryry Trust	165.120
NZDF	189.58
B Martin	245.59
A & J Bremner	250.96
R & H Ambler	268.88
D & K Ellis	272.104
PKM Farms	287.155

7.11.1 Submissions

115. Bryry Trust [165.120], B Martin [245.59], A & J Bremner [250.96], R & H Ambler [268.88], D & K Ellis [272.104] and PKM Farms [287.155] support TEMP-R3 and seek that the rule be retained as notified.

116. NZDF [189.58] opposes TEMP-R3 in part and seeks amendments are made to clarify that the rule does not apply to TMTA.

7.11.2 Analysis

117. Support from Bryry Trust [165.120], B Martin [245.59], A & J Bremner [250.96], R & H Ambler [268.88], D & K Ellis [272.104] and PKM Farms [287.155] for TEMP-R3 as notified is acknowledged.

118. I agree with NZDF [189.58] that the relief they seek affords clarity and improves plan readability.

7.11.3 Recommendations

119. I recommend the following changes to TEMP-R3:

[8] NZDF [189.57]

TEMP-R3 Temporary buildings and structures ancillary to a temporary activity (excluding temporary military training activities)[9]

7.11.4 Evaluation

120. The recommended changes improve clarity and ensure consistency between rules.

7.12 Temporary Activities – TEMP-R4

121. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, one original submission point and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
NZDF	189.59

7.12.1 Submissions

122. NZDF [189.59] oppose TEMP-R4 in part and seeks amendments are made to clarify the rule does not apply to TMTA.

7.12.2 Analysis

123. I agree with NZDF [189.59], the relief sought affords clarity and improves plan readability.

7.12.3 Recommendations

124. I recommend the following changes to TEMP-R4:

TEMP-R4 Temporary buildings and structures ancillary to a building or construction project (excluding temporary military training activities)[10]

7.12.4 Evaluation

125. The recommended changes improve clarity and ensure consistency between rules.

7.13 Temporary Activities – TEMP-R5

126. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, two original submission points and no further submission points are addressed here.

Submitter Name	Submission Point Number(s)
NZDF	189.60, 189.61

[9]NZDF [189.58]
[10]NZDF [189.59]

7.13.1 Submissions

127. NZDF [189.60] supports TEMP-R5 providing for TMTA as a permitted activity in all zones but seeks amendments to better reflect TMTA operational requirements. NZDF seeks that PER-3 be deleted or amended so buildings or structures constructed as part of TMTA should not be required to be moved where they are intended to be permanent or otherwise permitted under the Plan or have resource consent. NZDF also seeks that PER-4 be amended so that the duration of TMTA does not exceed 31 consecutive days, excluding set up and pack down of activities.

128. NZDF [189.61] opposes the restricted discretionary activity status where TMTA does not comply with TEMP-R5 permitted standards. NZDF seeks that non-compliant TMTA be managed as a controlled activity, to provide greater certainty that TMTA can proceed while enabling council to manage relevant effects.

7.13.2 Analysis

129. I acknowledge NZDF's [189.60] support for TEMP-R5 providing for TMTA as a permitted activity in all zones. However, I do not support the amendments sought to PER-3 and PER-4. In relation to PER-3, I consider the requirement to remove buildings and structures associated with a TMTA following completion of the activity is appropriate to ensure that the activity, including its associated built form, remains temporary in nature. Where a building or structure is intended to remain permanently, it is no longer appropriately considered as part of the temporary activity and should instead be assessed against the relevant provisions of the Plan applying to permanent buildings and structures where for example they may infringe or else comply with permitted bulk and location zone standards or already have been lawfully established. Accordingly, I do not consider an amendment to PER-3 is necessary to provide for permanent buildings or structures that are otherwise permitted or could be authorised by resource consent under the Plan.

130. I have considered NZDF's [189.60] request to amend PER-4 to enable TMTA for up to 31 consecutive days, excluding set-up and pack-down. I acknowledge that comparable district plans, including the Waikato, Timaru and Wairarapa plans, adopt a similar approach by excluding set-up and pack-down from the 31-day duration limit. In my opinion, this provides reasonable operational flexibility for TMTA while retaining a clear limitation on the duration of the substantive training activity itself. Set-up and pack-down are ancillary to the training activity and are unlikely, in themselves, to result in the same intensity or scale of effects as the operational phase of the TMTA. I therefore consider that excluding these periods from the 31-day limit is appropriate and remains consistent with the temporary nature of the activity. I recommend accepting the relief sought and amending PER-4 accordingly.

131. I also do not support the relief sought by NZDF [189.61] to provide controlled activity status where TMTA does not comply with the permitted activity standards in TEMP-R5. The permitted activity standards establish the parameters within which TMTA are anticipated to operate without site-specific assessment. Where those parameters are exceeded, I consider restricted discretionary activity status is appropriate as it enables the Council to assess the relevant effects of the proposal against the specified matters of discretion and,

where those effects cannot be appropriately managed, to decline consent. WDC should retain the ability to decline a resource consent application for TMTA if it is proposed in a sensitive location where the potential adverse effects upon the receiving environment would be unacceptable. A controlled activity status would require consent to be granted and would therefore provide less flexibility to respond to the nature, scale, duration and effects of a particular TMTA that exceeds the permitted activity standards.

132. Overall, I consider TEMP-R5 as notified appropriately enables TMTA while providing suitable parameters to manage their temporary nature and potential adverse effects.

7.13.3 Recommendations

133. I recommend that TEMP-R5 be amended as follows:

TEMP-R5 Temporary Military Training Activities

All zones

Activity status: Permitted

Where:

Where:

PER-1

The relevant noise standards are complied with;

and

PER-2

For weapons firing and/or the use of explosives, notice must be provided to the WDC at least 5 working days prior to the commencement of the activity; and

PER-3

No permanent structures may be constructed; and

PER-4

The duration of the activity must not exceed a period of 31 consecutive days in any calendar year, excluding set up and pack down of the activity; and[11]

PER-5

The following activities are exempt from the provisions of PER-1 to PER-4:

1. Temporary activities provided under TEMP-R1;[12]

7.13.4 Evaluation

134. The recommended amendment to TEMP-R5 PER-4 to exclude set-up and pack-down from the 31-day duration limit provides greater operational flexibility for TMTA and more efficiently enables these activities, while retaining a clear limit on the duration of the

[11] NZDF [189.60]
[12] NZDF [189.5]

substantive training activity. Set-up and pack-down are ancillary to the training activity and are anticipated to have a lower intensity of effects. The amendment is therefore considered to provide an appropriate balance between enabling TMTA and managing potential adverse effects and is a more effective and efficient means of achieving the relevant objectives of the TEMP chapter.

7.14 Temporary Activities – TEMP-R6

135. The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**. Overall, 31 original submission points and 2 further submission points are addressed here.

Submitter Name	Submission Point Number(s)
AOPA & NOAC	21.7
WDC	83.18
Bryry Trust	165.121
NZAAA & NZHA	180.27
NZDF	189.62
B Martin	245.60
A & J Bremner	250.97
Hollamby Trust	252.80
G & K Taylor	265.264
K & D Weir	267.219
R & H Ambler	268.89
B & K McLeod	269.219
D & K Ellis	272.105
DTL	282.132
DHL	283.218
DDL	284.215
B & A Matthews	285.215
PKM Farms	287.156
P & B Wilson	290.215
P & J Stackhouse	291.215
R & S Borst	292.214
B & G Hamilton	293.215
G Simpson 2	296.216
Parkside	297.198
A & C Gibson	298.215

Submitter Name	Submission Point Number(s)
TT & Cayuga	299.215
A & F Verbakel	300.215
C Thelning	301.214
P & S Mitchell	302.215
T & F Conlan	303.216
K & N McLachlan	304.215
Springbank	312.272
Further Submitter Name	**Submission Point Number(s)**
WPGI	FS306

7.14.1 Submissions

136. AOPA & NOAC [21.7], Bryry Trust [165.121], B Martin [245.60], A & J Bremner [250.97], Hollamby Trust [252.80], R & H Ambler [268.89], D & K Ellis [272.105] and PKM Farms [287.156] support TEMP-R6 and seek for the rule to be retained. Submitters generally support the rule enabling helicopter and light aircraft take-offs and landings, including for primary production activities.

137. WDC [83.18], G & K Taylor [265.264], K & D Weir [267.219], , B & K McLeod [269.219], , DTL [282.132], DHL [283.218], DDL [284.215], B & A Matthews [285.215], , P & B Wilson [290.215], P & J Stackhouse [291.215], R & S Borst [292.214], B & G Hamilton [293.215], G Simpson 2 [296.216], Parkside [297.198], A & C Gibson [298.215], TT & Cayuga [299.215], A & F Verbakel [300.215], C Thelning [301.214], P & S Mitchell [302.215], T & F Conlan [303.216], K & N McLachlan [304.215] and Springbank [312.272] support TEMP-R6, but seek to replace 'helicopter' and 'light aircraft' with 'aircraft' throughout the chapter.

138. NZAAA & NZHA [180.27] support TEMP-R6 in part, considering it would provide for temporary helicopter activities while managing effects through limits on days and times. Amendments are sought to increase take-off and landing days from ten to twelve days in a 12-month period and from two to three consecutive days.

139. NZDF [189.62] supports TEMP-R6 in part, particularly the exemption for TMTA from PER-1 to PER-4 but seeks greater consistency with the Noise chapter by using the term 'aircraft'. NZDF seeks that aircraft take-offs and landings for emergency situations and TMTA be permitted without standards, and that the wording of TEMP-R6 and NOISE-E1 be aligned.

7.14.2 Analysis

140. I acknowledge the support of AOPA & NOAC [21.7], Bryry Trust [165.121], B Martin [245.60], A & J Bremner [250.97], Hollamby Trust [252.80], R & H Ambler [268.89], D & K Ellis [272.105] and PKM Farms [287.156] for TEMP-R6. I agree that it is appropriate to provide for temporary helicopter and small aircraft take-offs and landings as a permitted activity, subject to appropriate limits on their frequency, duration, timing and noise effects. These standards recognise that temporary aircraft activities can have operational, recreational

and primary production benefits, while ensuring that repeated or more intensive use of a site is subject to resource consent.

141. I have considered the relief sought by WDC [83.18] and the other submitters identified in paragraph 136 to replace the terms “helicopter” and “light aircraft” with the broader term *aircraft*. I agree in part that use of the term *aircraft* would simplify the drafting and provide greater consistency in terminology. However, I do not consider it appropriate for TEMP-R6 to permit the take-off and landing of all aircraft irrespective of their size or operational characteristics. Larger aircraft have the potential to generate materially different effects, including noise and amenity effects, and I have not been provided with sufficient evidence to conclude that all aircraft should be permitted to operate under the same standards.

142. I therefore recommend that the scope of the permitted activity is clearly limited through PER-5 to helicopters and light aircraft with a maximum certificated take-off weight of 5,700kg or less. I consider a maximum certificated take-off weight to provide a clearer and more readily measurable threshold than relying solely on the undefined term “light aircraft”. The 5,700kg threshold is recommended as it is consistent with classifications used by the New Zealand Civil Aviation Authority (CAA). In particular, Civil Aviation Rule Part 135, Air Operations — Helicopters and Small Aeroplanes, applies to aeroplanes with a maximum certificated take-off weight of 5,700kg or less and a seating configuration of nine passenger seats or less, excluding required crew member seats. The CAA also distinguishes aeroplanes at or below 5,700kg MCTOW from larger aeroplanes for aerodrome and airworthiness purposes. I therefore consider 5,700kg to be an appropriate and established New Zealand aviation threshold for identifying the smaller class of aircraft intended to be enabled by TEMP-R6. This approach provides greater certainty for plan users while avoiding unintentionally extending the permitted activity framework to larger aircraft, which may have different operational characteristics and give rise to a different scale or intensity of effects.

143. I acknowledge the relief sought by NZAAA & NZHA [180.27] to increase the permitted frequency from ten to twelve days in any 12-month period and from two to three consecutive days. I do not support these amendments. In my opinion, the notified limits provide an appropriate balance between enabling temporary aircraft activities and managing the potential cumulative effects associated with repeated aircraft movements, particularly noise and effects on the amenity of surrounding properties. Increasing both the annual frequency and number of consecutive days would increase the period over which these effects could be experienced and would move the activity further away from the temporary and infrequent nature anticipated by the chapter.

144. I acknowledge NZDF [189.62] supports TEMP-R6 in part and seeks greater consistency with the Noise Chapter through the use of the term “aircraft”. As discussed above, I support the use of broader and more consistent terminology where this improves plan interpretation, provided the scope of aircraft permitted under TEMP-R6 remains appropriately defined through PER-5.

145. I also acknowledge NZDF's request that aircraft take-offs and landings associated with emergency situations and TMTA be permitted without standards. I agree that these activities have operational requirements that distinguish them from other temporary

aircraft activities and that it would not be appropriate for the frequency, consecutive-day, daylight-hour and noise standards in PER-1 to PER-4 to constrain their operation. I therefore recommend that PER-6 expressly exempts aircraft take-offs and landings associated with specified emergency services and search and rescue purposes, and those associated with TMTA, from PER-1 to PER-4. The recommended provision also applies this exemption to permitted primary production activities and specified biosecurity or biodiversity control authorised by a statutory agency.

7.14.3 Recommendations

146. I recommend that TEMP-R6 be amended as follows:

TEMP-R6 Temporary ~~helicopter and light~~ [13] aircraft take-offs and landings, excluding Ōamaru Airport and Ōmārama Airfield

All zones

Activity status: Permitted

Where:
PER-1
The site must not be used for take-offs and landings on more than ten days in any 12-month period; and

PER-2
The site must not be used for take-offs and landings on more than two consecutive days; and

PER-3
All take-offs and landings must occur during daylight hours; and

PER-4
The relevant noise standards are complied with; and

PER-5
The aircraft is either:
1. A light aircraft with a maximum takeoff weight of 5,700kg or less;
2. A helicopter; and [14]

PER-6
The following activities are exempt from the provisions of PER-1 to PER-4:
1. helicopter and light aircraft take offs and landings for emergencies by police, fire service, ambulance, or for search and rescue purposes; or
2. helicopter and light aircraft take off and landings associated with temporary military training activities; or
3. permitted primary production activities; or
4. helicopter and light aircraft take off and landings for the purposes of biosecurity or

[13] NZDF [189.62]
[14] WDC [83.18]

biodiversity control authorised by a statutory agency.

5. Temporary activities provided under TEMP-R1. [15]

7.14.4 Evaluation

147. The recommended amendments to TEMP-R6 improve the clarity, effectiveness and administration of the rule by clearly defining the scope of aircraft intended to be enabled and providing targeted exemptions for activities with particular operational or public benefit requirements. The 5,700kg maximum takeoff weight threshold provides an objective limit for light aircraft, while the retained limits on frequency, consecutive days, daylight hours and noise, continue to appropriately manage the potential adverse effects of temporary aircraft activities.

148. The exemptions for emergency and search and rescue activities, TMTA, permitted primary production activities, and authorised biosecurity or biodiversity control recognise circumstances where greater operational flexibility is appropriate. Overall, the amendments are considered to provide a more effective and efficient balance between enabling temporary aircraft activities and managing their adverse effects.

8 Conclusion

149. The TEMP chapter includes provisions that enable temporary activities, temporary buildings and structures, temporary filming activities, temporary military training activities, and temporary helicopter and light aircraft activities, while managing the potential adverse effects associated with their scale, location, frequency and duration.

150. Having considered all submissions and further submissions addressed in this report, and the relevant statutory and planning documents, I recommend that the PDP be amended as set out in Appendix 1 of this report.

151. For the reasons set out in Section 7, I consider the TEMP chapter provisions of the PDP, with the recommended amendments, to be the most appropriate means to:

- achieve the purpose of the RMA;
- give effect to the relevant national policy statements and relevant provisions of the regional policy statement; and
- achieve the relevant objectives of the PDP by appropriately enabling temporary activities while managing their potential adverse effects.

[15] NZDF [189.5]

Appendix 1
Recommended Changes to Provisions

Appendix 2
Recommended Responses to Submissions

Appendix 3
Submissions on Withdrawn Provisions