

Appendix B: Officer’s Recommended Amendments to Temporary Activities

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text).

Overview

Temporary activities contribute to the economic, social, and cultural wellbeing of people and communities across the Kaipara District. Temporary activities are generally permitted if they are infrequent, and of a short duration. Although temporary activities benefit communities, they can also generate noise, traffic, or other adverse effects which need to be appropriately managed.

The provisions in this chapter aim to manage the adverse effects associated with temporary activities.

To support development activities across the Kaipara District this chapter enables temporary buildings and structures associated with general construction.

This chapter also enables New Zealand Defence Force to undertake temporary military training activities.

Objectives

TEMP-O1	Enabling temporary activities to contribute to wellbeing
Temporary activities are enabled where these contribute to the social, economic and cultural wellbeing of communities in the Kaipara District.	
TEMP-O2	Managing the adverse effects of temporary activities
Temporary activities are enabled while managing adverse effects on: <ol style="list-style-type: none"> 1. The amenity and character of the surrounding environment; and 2. The safety and efficiency of the land transport network. 	

Policies

TEMP-P1	Enable temporary activities to contribute to wellbeing
Enable temporary activities where these positively contribute to the social, cultural and economic wellbeing of people and communities in the Kaipara District.	
TEMP-P2	Managing the adverse effects of temporary activities

Ensure the adverse effects associated with temporary activities are managed by:

1. Ensuring there are not permanent adverse effects on the character and amenity values of the locality in which the temporary activity is occurring, particularly in sensitive receiving environments;
2. Ensuring the safety and efficiency of the land transport network is not compromised;
3. Ensuring the size, scale and location of any buildings or structures are necessary for the temporary activity to occur;
4. Controlling the frequency, duration and times of temporary events;
5. Managing the number of persons at temporary events, including public, volunteers or employees;
6. Protecting health and safety of people on site during temporary activities and events; and
7. Considering the functional and operational needs of the temporary activity to be in particular locations.

TEMP-P3**Temporary motorsport events**

Enable temporary motorsport events to occur in the General rural zone, Heavy industrial zone or Light industrial zone where adverse effects, including dust, noise and traffic, are appropriately managed.

TEMP-P4	Temporary military training activities
Provide for temporary military training activities for of ¹ a limited duration.	

Rules

NOTES:

1. There may be other Part-2 District-wide matters that apply to temporary activities, including the provisions in the Noise Chapter and the Transport Chapter. ~~However, the provisions in the Transport Chapter do not apply to temporary activities.~~²
2. There may be bylaws applying to temporary activities that need to be complied with.
3. Temporary activities may require approval from the roading controlling authority. The roading controlling authority is New Zealand Transport Agency if the temporary activity is accessed from a State Highway and Kaipara District Council if accessed from any other road.

TEMP-R1	Temporary activities excluding any temporary activity not³ listed below	
<p>All zones except:</p> <p>Natural open space</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. The activity occurs no more than three times on the site within a consecutive 12-month period, excluding market gardens; b. The duration of each temporary activity is less than 72 hours; c. The temporary activity hours or operation are between 7.30am and 9pm Monday to Sunday; d. Temporary structures are: <ol style="list-style-type: none"> i. erected no more than two days before the temporary event occurs; ii. removed no more than three days after the end of the event; and e. The site is returned to its previous condition no more than three days following the end of the temporary activity; f. No direct site access is provided from a State Highway or regional arterial road; g. The temporary activity complies with the noise standards of the relevant zone where the activity is being undertaken; and h. The temporary activity complies with TEMP-S1—Temporary Activities if located Temporary activities in the General residential zone <u>must</u>: 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. The character and amenity of the locality; b. The scale, duration and nature of the temporary activity; c. Noise, dust and vibration effects; <u>and</u> d. Effects on the land transport network; and e. The matters of discretion of in TEMP-S1 if that standard is not complied with.

¹ NZ Defence Force [284.36]

² KDC [222.48]

³ NZ Defence Force [284.32]

	<ul style="list-style-type: none">i. <u>Have no more than three temporary activities occurring on the site within a consecutive 12-month period;</u>ii. <u>Be completed in one day, including site preparation and restoration; and</u>iii. <u>Have hours of operation of between 7am and 6pm.⁴</u>	
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⁴ Restructured chapter to incorporate TEMP-S1 into TEMP-R1 – clause 16 amendment under Schedule 1 of the RMA.

TEMP-R2	Temporary military training activities	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity does not exceed a duration of 31 days within a consecutive 12-month period on any site <u>(excluding set up and pack down activities)</u>⁵; b. Any ancillary building or structure is removed within seven days of the activity being completed <u>unless it is a permitted building or structure under the zone provisions or is lawfully established</u>⁶; and c. The activity complies with TEMP-S2 – Temporary Military Training <u>Temporary military training activities in the General residential zone involving weapons firing or the use of explosives must provide</u>⁷ <u>notice to the Council at least 48 hours prior to the commencement of the activity, with the notice specifying:</u> <ul style="list-style-type: none"> i. <u>Whether the activity involves live firing and/or the use of explosives or firing blank ammunition;</u> ii. <u>The location of the activity and the boundaries within which the activity will take place;</u> iii. <u>The distances to buildings used for activities sensitive to noise; and</u> iv. <u>The timing and duration of the activity.</u>⁸ 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the locality; b. The scale, duration and nature of the temporary activity; c. Noise, dust and vibration effects; and d. Traffic effects on the land transport network.

⁵ NZ Defence Force [284.37]

⁶ Ibid

⁷ Did not include the noise management plan requirement from TEMP-S2 – NZ Defence Force [284.38]

⁸ Restructured chapter to incorporate TEMP-S2 into TEMP-R2 – clause 16 amendment under Schedule 1 of the RMA.

TEMP-R3	Temporary buildings and structures ancillary to construction work	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The temporary building and/or structure is located on the same site as the associated construction work; b. The maximum gross floor area of temporary buildings/and or structures does not exceed 50m² where the site is located within or adjoins the General residential zone; c. The temporary building and/or structure is removed from the site upon completion of the construction work, or within twelve months from the date it was located on the site, whichever is the sooner; and d. The temporary building and/or structure complies with the height recession plane, and setback rule standards of the zone where the activity is located. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The character and amenity of the locality; b. The bulk and scale, of the temporary building or structure; and c. Noise and vibration effects.

TEMP-R4	Temporary motorsport events	
All zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. The site is not used for more than two Motorsport events per calendar year; b. The hours of operation for the temporary motorsport event are between 7.30am and 9pm; c. Any building or structure associated with the activity is not erected more than two days prior to the temporary 	<p>3. Activity status when compliance not achieved: Discretionary</p>

	<p>motorsport event and is removed within two days after completion of the event; and</p> <p>d. Where earthworks are required in preparation for the event, the site must be rehabilitated to the original condition as soon as practicable after the completion of the event.</p> <p>2. Matters over which discretion is restricted:</p> <p>a. The scale and duration of the temporary motorsport event;</p> <p>b. The motorsport event is located within the General rural zone, Heavy industrial zone or Light industrial zone;</p> <p>c. Noise effects;</p> <p>d. Traffic management and any adverse effects on the land transport network;</p> <p>e. Dust and sediment control, including the reinstatement of any earthworks undertaken for the event; and</p> <p>f. Setbacks from site boundaries.</p>	
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TEMP-R5	Temporary activities in Natural open space zone	
Natural open space zone	1. Activity status: Discretionary	2. Activity status when compliance not achieved: Not Applicable

Standards⁹

TEMP-S1	Temporary activities in residential zones	
<p>1. Temporary activities in the General residential zone must:</p> <p style="padding-left: 20px;">a. Have no more than three temporary activities occurring on the site within a consecutive 12 month period;</p> <p style="padding-left: 20px;">b. Be completed in one day, including site preparation and restoration; and</p> <p style="padding-left: 20px;">c. Have hours of operation of between 7am and 6pm.</p>	<p>2. Activity status when compliance not achieved: Restricted-Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <p style="padding-left: 20px;">a. Refer to Rule TEMP-R1</p>	

TEMP-S2	Temporary military training in General residential zone	
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⁹ Restructured chapter to incorporate TEMP-S1 and TEMP-S2 into TEMP-R1 and TEMP-R2 respectively – clause 16 amendment under Schedule 1 of the RMA.

- ~~1. Temporary military training activities in General residential zone involving weapons firing or the use of explosives must provide notice, and a noise management plan prepared by a suitably qualified acoustic engineer, to the Council at least 48 hours prior to the commencement of the activity, with the notice specifying:
 - ~~a. Whether the activity involves live firing and/or the use of explosives or firing of blank ammunition;~~
 - ~~b. The location of the activity and the boundaries within which the activity will take place;~~
 - ~~c. The distances to buildings used for activities sensitive to noise; and~~
 - ~~d. The timing and duration of the activity.~~~~

~~2. Activity status when compliance not achieved: Restricted Discretionary~~

- ~~3. Matters over which discretion is restricted:
 - ~~a. Refer to Rule TEMP R2~~~~

