

Section 42A Report  
Officer's written right of reply

## Temporary activities

Prepared for the  
Proposed Kaipara District Plan

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**24 March 2026**

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## 1. Introduction

1. This right of reply addresses the Temporary activities topic that was considered in Hearing 4 of the Proposed Kaipara District Plan (**PDP**), initially held on 23 February 2026 and then reconvened on 24 March 2026. It has been prepared by myself (Melissa Pearson), as the author of the section 42A report for the Temporary activities (**TA**) topic.
2. I do not repeat the background information contained in Section 1 – Introduction of the section 42A report and request that the Hearings Panel (**the Panel**) take this as read.

## 2. Purpose of Report

3. The purpose of this report is to respond to a late hearing statement from the New Zealand Defence Force (**NZDF**) that I received after the hearing and to clarify the process for deferring submission points to the Transport topic. There are no outstanding questions from Panel members that require a response in this report.

## 3. Consideration of evidence heard

4. I prepared a memorandum in response to pre-circulated evidence for the Panel dated 4 February 2026 confirming that I did not receive any written evidence or hearing statements that altered the recommendations I set out in my section 42A report. I confirmed at the hearing on 23 February 2026 that the only hearing statements received were those I addressed in that memo, being the Director General of Conservation and KiwiRail Holdings Ltd.
5. It came to my attention after the close of the hearing that a hearing statement had been sent to the Kaipara District Council (**Council**) on behalf of NZDF, which I was unaware of. I understand that the hearing statement was missed by Council and not passed onto me as the reporting officer as it was sent to the Council after the deadline for submitting hearing statements<sup>1</sup>.
6. The Hearing Panel were made aware of this late hearing statement shortly after the Temporary activity hearing closed. The Panel reconvened Hearing 4 on 24 March 2026 to provide the Commissioners with the opportunity to ask me questions about the one matter that remains in contention for NZDF. I also address the NZDF hearing statement in this Right of Reply report for completeness.

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<sup>1</sup> The deadline for submitting evidence or a hearing statement was 9 February 2026 and the NZDF hearing statement was emailed on 18 February 2026.

#### **4. Topic 1: Hearing statement from NZDF**

7. The hearing statement tabled by NZDF [284, FS84] confirms that it did not wish to attend the TA hearing but that it wanted to reiterate to the Panel that temporary military training activities need to be undertaken to meet statutory defence purposes under section 5 of the Defence Act 1990, as set out in its original submission. NZDF generally supports the recommendations in my section 42A report, including the amendments to TEMP-R2 and the integration of TEMP-S2 into the rule to simplify the provisions and improve plan legibility.
8. However, NZDF have one outstanding matter in contention, being the activity status if a temporary military training activity infringes the permitted standards in TEMP-R2. My recommendation was for the activity status to remain restricted discretionary as notified, whereas NZDF continue to request a controlled activity status. The key NZDF arguments are that NZDF requires certainty that temporary military training activities can be undertaken, a controlled activity status still allows Council to impose conditions to manage any adverse effects and that such effects would be temporary in nature.
9. The NZDF hearing statement did not provide any additional information to support its position other than what has already been provided in the original submission. I responded to these points in paragraph 80(d) of my section 42A report and my position has not changed as a result of the NZDF hearing statement.

#### **5. Topic 2: Deferral of submission points to the Transport topic**

10. At the hearing, the Panel discussed my recommendation in Section 7.2 of the section 42A report (paragraphs 59-67) to provide signposting to a new traffic generation standard for TA in the TEMP chapter notes. We also discussed my suggestion that the content and structure of a traffic generation provision for TA is more appropriately addressed as part of the Transport topic, set down to be heard later in 2026.
11. The Panel agreed with my recommendation to consider all submissions on the traffic generation standard (TRAN-S1) comprehensively in the Transport topic, including those points relating to TA, however the Panel requested clarity on the process to ensure this occurred. After discussing the appropriate process internally with the KDC policy team, it has been decided that the relevant submission points from the TA topic need to formally be deferred to the Transport topic and the submitters notified of this change. This allows these submission points to be addressed in the Transport section 42A report and provides affected submitters with standing to be heard at that hearing. The table below sets out the details of the submission points to be deferred:

Submission point	Submitter	Summary of decision requested	Topic deferred to
222.48	Kaipara District Council	<b>ADD</b> a new rule to the Temporary activities chapter for traffic generation for temporary events.	Hearing 20 – Transport  (date to be confirmed)
268.9	Fuzen Entertainment Limited	<b>AMEND</b> the Notes to the Temporary Activity rules to incorporate or cross reference relevant Transport rules and standards.  OR  <b>ADD</b> specific transport provisions for temporary activities.	Hearing 20 – Transport  (date to be confirmed)