

Section 42A Report

Temporary activities

Prepared for the

Proposed Kaipara District Plan

Report prepared by: [Melissa Pearson](#)

15 January 2026

List of submitters and further submitters addressed in this report:

Submission Number	Submitter
140	Horticulture New Zealand (Horticulture NZ)
149	Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)
216	Cabra Mangawhai Ltd & Pro Land Matters Ltd (Cabra)
222	Kaipara District Council (KDC)
268	Fuzen Entertainment Limited (Fuzen)
284	New Zealand Defence Force (NZ Defence Force)
304	Director General of Conservation (DOC)
308	Fire and Emergency New Zealand (FENZ)
309	Clarus
323	KiwiRail Holdings Limited (KiwiRail)
FS84	New Zealand Defence Force (NZ Defence Force)
FS93	Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
Executive Summary	4
1. Introduction.....	5
2. Scope of Report	6
3. Topic 1: Natural environment values and temporary activities	10
4. Topic 2: Temporary activity chapter overview and definitions	12
5. Topic 3: Temporary activity objectives	13
6. Topic 4: Temporary activity policies	15
7. Topic 5: Temporary activity rules and standards	16
8. Topic 6: Out of scope errors and clause 16 corrections	24

APPENDIX A: RECOMMENDATIONS FOR EACH SUBMISSION POINT ON TEMPORARY ACTIVITIES

APPENDIX B: RECOMMENDED AMENDMENTS TO TEMPORARY ACTIVITIES CHAPTER

APPENDIX C: SECTION 32AA EVALUATION

List of abbreviations used in this report

Abbreviation	Term
KDC	Kaipara District Council
TA	Temporary activities
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement 2010 Amended 2025
CMA	Coastal marine area
PDP	Proposed District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for Northland 2016

Executive Summary

- i. The Proposed Kaipara District Plan (**PDP**) was publicly notified in April 2025. The Temporary Activities (**TA**) chapter (with the prefix TEMP) is located in Part 2 – District Wide Matters and contains provisions that manage the short-term adverse effects of temporary activities on the environment.
- ii. Ten primary submitters (with 35 individual submission points) and two further submitters (with 6 individual further submission points) made submissions on the TA topic. The majority of submissions are in support of the proposed TA provisions, particularly submitters from the rural and infrastructure sectors. The submitters who are requesting amendments to TEMP provisions fall into two categories – those that are concerned with the impacts of TA on indigenous biodiversity and those concerned with provisions being overly restrictive for larger scale events and temporary military training activities. There is also a submission from the Kaipara District Council (**KDC**) requesting a new rule to manage traffic generation from TA as this was unintentionally omitted from the PDP as notified.
- iii. My recommendations for the TEMP chapter are summarised as follows:
 - a. Minor amendment to the wording of TEMP-P4 to more accurately reflect the intent of the policy as notified.
 - b. Minor amendment to Note 1 above the Rules table to clarify that traffic generation provisions applying to TA are located in the Transport chapter.
 - c. Minor amendment to the title of TEMP-R1 to remove a double negative wording error and to incorporate TEMP-S1 into the rule for efficiency.
 - d. Amendments to TEMP-R2 to:
 - i. Clarify that set up and pack down times do not form part of the maximum duration for temporary military training activities;
 - ii. Confirm that buildings/structures ancillary to temporary military training activities can remain on a site permanently if they are permitted under the zone provisions or are lawfully established;
 - iii. Incorporate TEMP-S2 into the rule for efficiency; and
 - iv. Remove the requirement to provide a noise management plan with notice to Council for a temporary military training activity.

1. Introduction

1.1 Qualifications and Experience

1. My name is Melissa Leanne Pearson. I am a Principal Planning and Policy Consultant at SLR Consulting New Zealand Limited. I am contracted by Kaipara District Council (**KDC**) to assist with the Proposed Kaipara District Plan (**PDP**). I have been involved in the development of the PDP for KDC since 2021 and have assisted with the drafting of a range of chapters and associated section 32 evaluations, both for the Exposure Draft and the PDP. I was not directly involved in the preparation of the Temporary Activities (**TA**) chapter (with the prefix TEMP) prior to notification but was engaged by KDC to be the reporting officer for this topic in September 2025.
2. I hold a Bachelor of Planning (Hons) at the University of Auckland and am a Full Member of the New Zealand Planning Institute.
3. I have 17 years' experience as a resource management practitioner in New Zealand, which has included working for both the private sector and for central and local government on a range of resource consent and policy projects. My private sector planning experience ranges from obtaining resource consents for small and large scale residential and subdivision developments in the Auckland Region, development of private plan changes in both Auckland and Waikato for residential and commercial developments and consenting and policy development experience for clients in the telecommunication, intensive primary production, and community facility sectors.
4. My public sector planning experience involves a significant amount of central government policy research and development relating to telecommunications, forestry, climate change, highly productive land, and infrastructure. My local government policy experience involves drafting of district plan provisions in the Far North, Kaipara, Waikato, Hamilton, and Queenstown Lakes districts for local authorities. These projects have given me significant experience with all parts of the Schedule 1 process from both the public and private sector perspectives, including provision research and development, provision drafting, the preparation of section 32 and 42A reports, preparation of submissions and further submissions, presentation of evidence at council hearings, preparation and resolution of appeals and Environment Court mediation.
5. I have been closely involved in the development and implementation of numerous national direction instruments under the Resource Management Act 1991 (**RMA**) (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, telecommunications, infrastructure, forestry and climate change.

1.2 Preparation of the report

6. I am authorised by KDC to prepare this report under section 42A of the RMA to assist the PDP Hearings Panel. The purpose of this report is to both assist the Hearings Panel in hearing and deciding on submissions made on to the PDP, and to assist submitters in understanding how their submission is being considered as part of the PDP process. This report includes my recommendations on matters raised in submissions, and any changes to the PDP that I consider to be appropriate having considered the statutory requirements.
7. I am the author of this report. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
8. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations that I have made in this report are not binding on the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusions or decisions having considered all the submissions and evidence from submitters. The decision ultimately lies with the Hearings Panel.

1.3 Code of Conduct

9. While this is not a hearing held by the Environment Court, I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

1.4 Conflict of Interest

10. I confirm that I have no real or perceived conflict of interest.

2. Scope of Report

2.1 Matters addressed by this report

11. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the TEMP chapter of the PDP and make recommendations.
12. This section 42A report also addresses the definitions which are specific to the TEMP chapter, including the definition of 'Temporary activities'.

2.2 Overview of the topic / chapter

13. As notified, the TEMP chapter contains the objectives, policies, rules and standards that enable TA to occur throughout the Kaipara district, provided any potential adverse effects can be managed appropriately. The TEMP chapter recognises that there are economic, social and cultural wellbeing benefits associated with enabling TA and that most TA adverse effects are minimal as the events are typically infrequent and of a short duration. The TEMP provisions focus on setting clear parameters where the scale and/or duration of a TA necessitates a resource consent process to manage effects such as adverse noise, traffic and amenity effects. The TEMP chapter also provides direction on how specific activities, such as construction work, motorsport events and temporary military training activities, should be managed in the Kaipara district.

2.3 Statutory Context

14. On the 9 December 2025, the Government introduced two new pieces of legislation to Parliament to replace the RMA as follows:
 - a. The Planning Bill – focused on planning to enable development and infrastructure.
 - b. The Natural Environment Bill – focused on managing the natural environment
15. The Government has announced its intention to proceed with the Select Committee process at pace through the first half of 2026, with both bills intended to be passed into law before the 2026 general election. Although the signalled intent is for a quick transition to the new resource management system by the end of 2029, the RMA continues to be in effect until this new replacement legislation is passed, with planning documents prepared under the RMA remaining in effect until new national direction instruments are prepared, standardised plan content developed and new plans prepared (including Regional Spatial Plans, Natural Environment Plans and Land Use Plans).
16. The Operative Kaipara District Plan (**ODP**) is thirteen years old and drafted in a matter that is misaligned with both the National Planning Standards and other district plans in the Northland region (being Whangarei and Far North district plans). Substantive work is required to better align it with other planning provisions in the region, as well as with the style, content and format of plans that are likely to be required under the new planning system. The Schedule 1 hearing process for the PDP is an important part of modernising the district plan and achieving clear and consistent provisions that will better integrate into the new planning system.
17. Once the new legislation is passed, the direction of the new legislation will be considered when making recommendations and alignment will be sought with this direction but only where it is within the scope of submissions to do so. As the new legislation is not yet in force and the content

is not finalised, this section 42A report does not consider the direction contained in the new bills. This approach is consistent with a recent decision from the *High Court in Box Property Investments Limited v The Expert Consenting Panel [2025] NZH 1773* which held that decisions must be made based on the law as it currently stands, not on future legislative changes [at 35].

18. The TA section 32 evaluation report provided detail of the relevant statutory considerations with respect to Part 2 of the RMA and the parts of the National Planning Standards relevant to the TA topic. As such, I do not repeat that detail here.
19. On 18 December 2025, the Government announced that 10 new or amended national direction instruments under the RMA will come into effect on 15 January 2026, which is the day this report is published. In considering the relevant higher order documents that impact TA below, I have considered the new/updated versions of national direction instruments. I note that:
 - a. The New Zealand Coastal Policy Statement 2010 Amended 2025 (**NZCPS**) mentions TA in the context of Policy 19(3)(g), which directs that imposing a restriction on public walking access to, along or adjacent to the Coastal Marine Area (**CMA**) may be necessary in the case of “*a temporary activity or special event*”. Clause (4) of the same policy notes that practical alternative routes that are available to the public free of charge at all times should be considered when imposing a restriction on walking access to the CMA during a TA¹.
 - b. No other National Policy Statements or National Environmental Standards are relevant to managing the effects of TA. The 2025 amendments to national direction instruments do not include any direction on the way TA should be managed under district plans.
 - c. The Regional Policy Statement for Northland (**RPS**) does not contain any specific direction with respect to managing the effects of TA. However, Objective 3.5 directs sustainable management of natural and physical resources in a way that improves economic wellbeing and Policy 5.1.1 directs that development should occur in a planned and co-ordinated manner while managing cumulative effects (clause c), integrating with transport networks (clause d) and not resulting in incompatible land uses/reverse sensitivity effects (clause e). Policy 5.1.3 also directs that new development should avoid adverse effects on the operation of regionally significant infrastructure (which includes the land transport network). Collectively I consider that the RPS policy direction, as applied to TA, directs that TA should be enabled where there is an economic benefit, provided they are well planned and where potential

¹ Note that the 2025 amendments to the NZCPS did not make any changes to Policy 19.

adverse effects (including cumulative effects) on existing land uses and the land transport network are managed appropriately.

20. The four iwi management plans relevant to the Kaipara district were considered as part of developing the PDP, as set out in Section 2.5 of the Section 32 Overview Report². None of these iwi management plans specifically refer to managing TA. I recognise that the iwi management plans refer to rāhui (temporary bans on the use of, or access to, a natural resource), however I confirm that the TEMP chapter does not control the act of imposing rāhui. It also does not cover any Māori customary activities such as mahinga kai. There were no specific issues raised by iwi authorities on the TEMP chapter during pre-notification engagement and feedback on the Exposure Draft of the PDP.

2.4 Procedural matters

21. No submitter, prehearing or Clause 8AA meetings have been undertaken on the TEMP chapter. There has been no further consultation undertaken since notification.

2.5 Organisation of the report

22. The key issues identified in this report are set out below (arranged by theme and provision):
- a. Natural environment values and temporary activities;
 - b. TEMP chapter overview and definitions;
 - c. TEMP objectives;
 - d. TEMP policies; and
 - e. TEMP rules and standards

2.5.1 Submissions and further submissions

23. Ten (10) submissions containing thirty-five (35) submission points were received on the TEMP provisions. Two (2) further submissions were received containing six (6) further submission points. The summary of decisions requested by submissions and further submissions pertaining to this section 42A report, and my recommendation for each are attached as Appendix A. The primary submission and further submission documents can be found on KDC's website.

2

www.kaipara.govt.nz/uploads/District%20Plan%20Review/PDP%20Chapter%2032%20reports/Overview%20Report%20s32%20FINAL.pdf

24. While all submissions have been read and considered in the summary of decisions requested by submissions (Appendix A), responses have not necessarily been written for each individual submission point. To assist the Hearings Panel in achieving clause 10(2) of the First Schedule of the RMA, I have provided reasons for my recommendations to accept or reject submissions and further submissions generally by themes. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the provisions.

2.5.2 Recommended changes

25. Where I have recommended amending provisions as a result of considering the submissions and further submissions, these are contained as tracked changes in Appendix B. Text that is recommended to be amended is shown as red text for ease of locating, with deletions being struck through, and additional text underlined.
26. No PDP maps require amending in response to submissions on the TA topic.

2.5.3 Section 32AA evaluation report

27. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in the section 32AA evaluation reports needs to be at a level of detail that corresponds to the scale and significance of the changes recommended. To streamline this report, where a change has been recommended, the corresponding section 32AA evaluation is attached in Appendix C.

3. Topic 1: Natural environment values and temporary activities

3.1 Introduction

28. This section addresses submissions that request amendments to recognise that TA have the potential to adversely affect natural environment values, including indigenous biodiversity. These submission points have been addressed in a single topic as they request amendments to all parts of the TEMP chapter based on the same core concern.

3.2 Analysis

29. Forest & Bird and DOC request a variety of amendments to TEMP chapter provisions to address concerns relating to natural environment values, including indigenous biodiversity, as follows:
- a. Forest & Bird [149.104] request an amendment to the Overview to include recognition that TA have the potential to adversely affect natural environment values including indigenous biodiversity.

- b. Forest & Bird [149.105] request an amendment to TEMP-O2.1 to include a reference to natural environment values.
 - c. DOC [304.117] request the inclusion of an additional clause to TEMP-O2 stating 'ecological values including indigenous vegetation or fauna'.
 - d. Forest & Bird [149.107] request amendments to the TEMP rules to recognise the adverse effects that TA can have on indigenous biodiversity, particularly the trampling and destruction of indigenous vegetation and habitats. More specifically Forest & Bird request two changes:
 - i. Amendments to rules so that temporary activities are not enabled on sites and within overlays containing indigenous biodiversity.
 - ii. The inclusion of matters of discretion for the TEMP rules addressing effects on natural values, the environment and indigenous biodiversity.
 - e. Forest & Bird [149.108] request the inclusion of standards to manage TA in natural environments to protect those environments from adverse effects.
30. These requests are similar to Forest & Bird and DOC's submissions on the Light chapter, for which I was also the reporting officer. Although I agree in principle that, in some circumstances, there is the potential for TA to impact on natural environment values including indigenous biodiversity, I do not consider that this needs to be recognised in the TEMP chapter in the same manner as I have recommended for the Light chapter. The key reasons for this are:
- a. The impact of artificial outdoor lighting on indigenous biodiversity is not managed by any other PDP chapter, whereas the potential for TA to impact indigenous biodiversity (or any other element of the natural environment) is already managed by other district wide PDP chapters, such as the Ecosystems and indigenous biodiversity chapter.
 - b. The impacts of TA are generally not permanent, as sites are required to be returned to their previous condition once the TA is complete. This is different to artificial outdoor lighting where the effects are permanent once the lighting is installed.
 - c. The key environmental effect of TA on the natural environment raised by Forest & Bird in its submission was the potential for trampling and destruction of indigenous vegetation and habitats. Although I accept that there is the potential for some consequential damage to indigenous vegetation resulting from TA, the TEMP rules as notified do not exempt TA from the need to comply with other relevant Part 2 – District Wide rules e.g. vegetation clearance and land disturbance rules in the

Ecosystems and Indigenous Biodiversity chapter³. In this sense, potential damage to areas containing indigenous vegetation as a result of TA will be managed in the same way as it is managed for any other activity that could impact indigenous vegetation. I consider this to be an appropriate response. Neither Forest & Bird nor DOC have provided a rationale as to why TA should be subject to more stringent indigenous vegetation clearance rules than any other land use activity.

- d. As there are no specific areas of indigenous biodiversity that are mapped in the PDP, it would be difficult to draft a permitted activity rule that required resource consent for TA in these areas.

31. With respect to the Forest & Bird submission requesting a new natural environment focused standard, I disagree that additional standards relating to managing potential adverse effects on natural environment values are required in the TEMP chapter. Forest & Bird has not provided any information about what types of 'natural environments' any new standards would apply to, nor has it provided any information about the content of new standards and how they would work in practice. Forest & Bird may wish to suggest new standard wording in evidence, which I will respond to in a section 42A report addendum prior to the hearing.

32. As such, I do not recommend any amendments to the TEMP provisions to address potential adverse effects on natural environments resulting from TA.

4. Topic 2: Temporary activity chapter overview and definitions

4.1 Introduction

33. This section addresses submissions requesting amendments to the overview of the TEMP chapter and definitions relevant to the TEMP chapter not otherwise addressed under Topic 1.

4.2 Analysis

Overview of the Temporary activity chapter

34. The only other submission on the Overview of the TEMP chapter is from NZ Defence Force [284.33] who support retaining the Overview as notified, specifically the text which mentions temporary military training activities. As such, I do not recommend any amendments to the Overview text of the TEMP chapter.

Definition of 'temporary activities'

³ See Note 1 above the Rules table in the Temporary activities chapter

35. Cabra [216.39] and Fuzen [268.3] both request that the definition of ‘temporary activities’ be retained as notified.
36. I also note that two other submission points from Fuzen [268.5 and 268.7] request that any changes to the definition of ‘temporary activities’ do not limit the extent to which TA can occur (this is alternative relief to retaining TEMP-O1 and TEMP-P1 as notified).
37. The definition of ‘temporary activity’ in the PDP as notified is as follows:

“means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence, with a start and end date and time, and are not part of a permanent activity that occurs on the site.

They include:

- a. fairs;*
 - b. festivals and special events;*
 - c. commercial filming or video production activities;*
 - d. public firework displays;*
 - e. site offices, scaffolding, fencing, offices or storage sheds ancillary to construction projects;*
 - f. temporary farmers or crafts markets.”*
38. As no submitters have requested amendments to the definition of ‘temporary activities’ I do not recommend any changes.

4.3 Recommendations

39. I do not recommend any amendments to either the Overview text of the TEMP chapter or the definition of ‘temporary activity’.

5. Topic 3: Temporary activity objectives

5.1 Introduction

40. The two objectives in the TEMP chapter set the expected outcomes when managing TA in the Kaipara District. Both objectives are enabling of TA, with TEMP-O1 recognising that TA should be enabled where they have social, economic and cultural benefits for people and communities. TEMP-O2 is also enabling, but it specifies that TA must also manage adverse effects on the

character and amenity of the surrounding environment and the safety and efficiency of the land transport network.

41. The submissions on the TEMP objectives are largely supportive, with all submissions either fully in support or supporting the objectives in part. All four submissions on TEMP-O1 request that it be retained as notified. Two submissions request that TEMP-O2 be retained as notified, with one submission supporting the objective in principle but requesting additional wording to address concerns (noting submissions on TEMP-O2 seeking recognition of the natural environment have been addressed in Topic 1 above).

5.2 Analysis

42. Fuzen [268.5], NZ Defence Force [284.34], Clarus [309.84] and KiwiRail [323.79] request that TEMP-O1 be retained as notified. There are no submissions in opposition or requesting any amendments. As such, I do not recommend any amendments to TEMP-O1.
43. Clarus [309.143] and KiwiRail [323.80] request that TEMP-O2 be retained as notified. Fuzen [268.6] requests that TEMP-O2 be amended to be more specific regarding the extent of effects considered e.g. functional and operational site management.
44. With respect to the Fuzen submission, I am not clear how Fuzen would like TEMP-O2 to be redrafted, or what specific effects they consider to be missing from the objective. Although I agree that the functional and operational requirements for site management during a TA is relevant when processing a TA consent, these are not 'effects' to be managed. In my view, functional and operational site management is a tool to address the potential adverse effects listed in TEMP-O2 e.g. traffic management plans tailored to the site and event specific conditions (site management) assist with mitigating potential adverse effects on the safety and efficiency of the land transport network (effect recognised by TEMP-O2). Fuzen may wish to elaborate on its preferred drafting of TEMP-O2 in evidence, which I will respond to in a section 42A report addendum prior to the hearing. However, it should be noted that the purpose of an objective is to state a desired outcome, not specify what action should be taken to achieve that outcome, i.e. an objective should not state that specific types of adverse effects should be managed as that is the role of a policy (e.g. TEMP-P2).

5.3 Recommendations

45. I do not recommend any amendments to the TEMP objectives in response to submissions.

6. Topic 4: Temporary activity policies

6.1 Introduction

46. The four policies in the TEMP chapter provide more specificity as to how the TEMP objectives will be met. TEMP-P1 gives effect to TEMP-O1 by reinforcing that TA should be enabled where there is a positive contribution to the wellbeing of people and communities in the Kaipara district. TEMP-P2 gives effect to TEMP-O2 by providing more specificity as to the types of adverse effects associated with TA that should be managed and what sort of limitations may need to be placed on a TA to manage those effects e.g. controlling the frequency, duration and times of TA, managing the number of people etc. TEMP-P3 and TEMP-P4 are specific enabling policies for temporary motorsport events and temporary military training activities respectively.
47. The submissions on the TEMP policies are largely supportive, with all submissions supporting TEMP-P1, TEMP-P2 and TEMP-P4 either in full or in part. No submissions were received on TEMP-P3. One submitter requested an amendment to TEMP-P2 to clarify that landscape effects are not a relevant consideration for TA and another submitter requested a minor wording change to TEMP-P4 to clarify the intent of the policy as notified.

6.2 Analysis

TEMP-P1 – Enable temporary activities to contribute to wellbeing

48. Fuzen [268.7], NZ Defence Force [284.35], Clarus [309.85] and KiwiRail [323.79] request that TEMP-P1 be retained as notified. There are no submissions in opposition or requesting any amendments. As such, I do not recommend any amendments to TEMP-P1.

TEMP-P2 – Managing the adverse effects of temporary activities

49. Clarus [309.144] and KiwiRail [323.81] request that TEMP-P2 be retained as notified.
50. Fuzen [268.8] supports TEMP-P2 in part, but requests amendments to be more specific as to the adverse effects that should be considered. In particular, Fuzen is concerned that the broad reference to character and amenity effects may also imply that landscape effects should be considered, which is not appropriate in the context of activities that are temporary in nature.
51. I agree in principle with Fuzen that TA do not have adverse effects on landscape values as any buildings/structures are temporary in nature and the landscape will revert to its baseline state once the TA is completed. However, in my view, potential adverse effects on landscape are not a sub-set of 'character and amenity' – landscape effects are effects in their own right. I do not consider that the reference to character and amenity in TEMP-P2 directs a consenting planner to consider landscape effects and disagree that clarification of this in the policy wording is

necessary. As for my comments on TEMP-O2, if Fuzen has specific wording in mind to make TEMP-P2 'more specific' as to the adverse effects that should be considered, it may wish to suggest alternative wording in evidence, which I will respond to in a section 42A report addendum prior to the hearing. Based on the information currently available, I do not recommend any amendments to the wording of TEMP-P2.

TEMP-P4 – Temporary military training activities

52. NZ Defence Force [284.36] request a minor wording change to TEMP-P4 for clarity as follows:

'Provide for temporary military training activities ~~for~~of a limited duration.'

53. I agree with NZ Defence Force that its suggested wording more accurately reflects the intent of the policy as notified and I recommend making this change.

6.3 Recommendations

54. I recommend that the wording of TEMP-P4 is amended as follows:

Provide for temporary military training activities ~~for~~of a limited duration.

7. Topic 5: Temporary activity rules and standards

7.1 Introduction

55. The TEMP chapter contains five rules:

- a. TEMP-R1 is a permitted 'catch-all' rule for any activity that meets the definition of 'temporary activity' but is not managed by one of the other four rules. It applies in all zones except the Natural open space zone (**NOSZ**). It sets permitted standards around frequency and duration of TA, hours of operation, temporary structures, returning sites to their previous condition, road access and noise. It also requires that any TA complies with TEMP-S1 if the TA is proposed in a residential zone. Non-compliance with the permitted standards requires consent for a restricted discretionary activity.
- b. TEMP-R2 is a permitted rule for temporary military training activities in all zones, with standards around frequency, duration and removal of ancillary buildings and structures. It also requires that any temporary military training activity complies with TEMP-S2 relating to providing notice and a noise management plan in advance of firing weapons or using explosives. Non-compliance with the permitted standards requires consent for a restricted discretionary activity.

- c. TEMP-R3 is a permitted rule for temporary buildings and structures ancillary to construction work in all zones. It sets permitted standards around maximum gross floor area (**GFA**), timely removal of buildings/structures once work is complete and the need to comply with the bulk and location rules of the underlying zone. Non-compliance with the permitted standards requires consent for a restricted discretionary activity.
 - d. TEMP-R4 is a restricted discretionary rule for temporary motorsport events in all zones. The rule has standards around frequency of events, hours of operation, timely erection and removal of buildings/structures and site rehabilitation after any earthworks. Non-compliance with the restricted discretionary standards requires consent for a discretionary activity.
 - e. TEMP-R5 is a discretionary rule for TA in the NOSZ, with no specific standards to comply with.
56. The TEMP chapter contains two standards as follows:
- a. TEMP-S1 applies to TA managed under TEMP-R1 and introduces additional standards relating to frequency, duration, and hours of operation of TA, but only when they are proposed in the General residential zone. Non-compliance requires resource consent for a restricted discretionary activity under TEMP-R1.
 - b. TEMP-S2 applies to temporary military training activities managed under TEMP-R2 and only when they are proposed in the General residential zone. It requires that a noise management plan is prepared by a suitably qualified acoustic engineer and provided to Council at least 48 hours prior to the commencement of any temporary military training activity involving weapons firing or the use of explosives. Failing to do so requires resource consent for a restricted discretionary activity under TEMP-R2.
57. The submissions on the TEMP rules are varied, however most support the rules either in full or in part. One submission requests amendments to provide more flexibility for TA, particularly for larger events. There are also submissions requesting either a new rule or better cross referencing to the Transport rules/standards to make it clear how traffic effects associated with TA will be managed. No submissions were received on TEMP-R4 or TEMP-R5.
58. There is only one submission on the TEMP standards (TEMP-S2) requesting that the requirement for a noise management plan for temporary military training activities is removed.

7.2 Analysis

General submissions on TEMP rules

59. KDC [222.48] request that a new rule is added to the TEMP chapter to manage traffic generated by TA. KDC note that TRAN-S1 Note 2 states that a traffic generation rule for temporary events is included in the TEMP chapter, but no such rule exists. Similarly, Fuzen [268.9] request that the notes for the TEMP chapter rules be amended to incorporate or cross reference to relevant Transport rules and standards or that new transport provisions are included in the TEMP chapter, noting transport related provisions are necessary for TA.
60. I note that paragraphs 37(i) and 38(f) of the section 32 report for TA both indicate that a specific standard for managing traffic generation was intended to be included in the TEMP chapter, but it appears to have been missed out of the notified version of the PDP. Further, the section 32 report clearly identified potential traffic effects, including impacts on safety, commuter delays and nuisance for residential areas, that can result during a TA and there was a clear intent to manage traffic effects through the TEMP chapter. This intent is further confirmed in the wording of TRAN-S1 Note 2 in the Transport chapter, which states “*Note 2: Traffic generation associated with temporary activities is contained in the Temporary Activities chapter.*”
61. The ODP manages traffic from TA in the same manner as it controls traffic generated by any other land use activity, except that traffic from temporary military training activities and construction traffic is exempt. For example, in the Rural zone chapter of the ODP, Rule 12.10.18 states that any activity is permitted if the cumulative traffic generated on any road does not exceed 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F (similar rules are included in other zone chapters). This means that under the ODP, TA are currently subject to rules managing traffic generation unless they are temporary military training activities or construction traffic.
62. The Exposure Draft version of the PDP also included a traffic generation standard, which specified maximum numbers of traffic movements per site, ranging from 50 traffic movements in residential and natural open space zones, 100 traffic movements in rural, open space and Māori purpose zones and 200 traffic movements in commercial and industrial zones. Failure to comply with these limits required a resource consent for a restricted discretionary activity, including a matter of discretion relating to whether a Traffic Management Plan (**TMP**) had been provided.
63. In my view, it is appropriate to include standards managing traffic generation in the PDP to ensure that excessive traffic generation from a TA triggers the need for resource consent. The scope of the Fuzen submission outlines two potential options for the location of such a provision – either the TEMP chapter or the Transport chapter.

64. In terms of the most appropriate location for a traffic generation provision for TA, the relevant parts of the National Planning Standards are in Section 7 – District-wide Matters Standard, which includes mandatory direction on the content of both transport and TA chapters in clauses 5 and 37 respectively as follows:
- a. **Clause 5** - *Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading...*
 - b. **Clause 37** - *If provisions to manage temporary activities, buildings and events are addressed, they must be located in the Temporary activities chapter.*
65. My reading of these two clauses is that it is not immediately clear which chapter is the more appropriate location for a traffic generation standard for TA, as a case could be made for locating it in either. However, clause 5 is more explicit that the only exception for transport provisions not being in the Transport chapter is when they relate to Special Purpose Zones, whereas clause 37 does not mention traffic provisions specifically. I also note that the noise provisions that apply to TA are in the Noise chapter, so a Transport specific provision for TA located in the Transport chapter would be consistent with this structure.
66. As such, I agree with KDC and Fuzen in principle that a traffic generation provision for TA should be included in the PDP, but my recommendation is that the provision is included in the Transport chapter, not the TEMP chapter. The Transport topic is set down to be heard in June 2026 and I consider it appropriate for any new TA traffic generation provision to be considered in that topic at the same time as the traffic generation provisions that apply to all other land use activities.
67. As a consequence, I recommend an amendment to Note 1 above the TA rule table to direct plan users to the Transport chapter for relevant traffic generation provisions and remove the text that exempts TA from complying with the Transport chapter provisions. For clarity, the extent to which Transport chapter provisions could be applied to TA is limited in scope by submissions to a traffic generation rule or standard – my amendment to Note 1 does not result in other Transport chapter provisions now applying to TA. This will be clarified further in the Transport topic section 42A report.

TEMP-R1

68. Horticulture NZ [140.85], FENZ [308.58] and Clarus [309.86] request that TEMP-R1 be retained as notified.
69. NZ Defence Force [284.32] requests a minor amendment to TEMP-R1 to clarify that temporary military training activities are not captured by the rule and are instead managed by TEMP-R2 – it considers that TEMP-R1 contains a double negative which could be confusing to plan users.

70. I agree with NZ Defence Force that the title of TEMP-R1 contains a double negative that could cause confusion for plan users. In my view, the intent of TEMP-R1 is to capture all temporary activities not otherwise provided for by TEMP-R2, R3, R4 and R5. However, the title wording “*Temporary activities excluding any temporary activity **not** listed below*” [my emphasis added] could be interpreted as having the opposite effect, where only activities **not** listed below are excluded from TEMP-R1, meaning, for example, that temporary military training activities under TEMP-R2 would also be subject to TEMP-R1. I agree with NZ Defence Force that deleting the word ‘not’ from the TEMP-R1 title would address the concern.
71. Fuzen [268.10] requests amendments to TEMP-R1 to provide more flexibility for larger events, such as the Northern Bass festival in Mangawhai. Specifically, Fuzen considers that the permitted activity conditions relating to TA duration, hours of operation and timeframes for temporary structures / to return the site to its original condition are too restrictive for large scale events in Kaipara. I note that this relief has been requested as alternative relief to other submission points from Fuzen requesting that specific Precinct and Noise overlays are applied to the Northern Bass site.
72. With respect to the submission from Fuzen, I disagree that the permitted conditions of TEMP-R1 require amendment to be more permissive of larger events. While the intent of the TEMP chapter is to be enabling of TA, this needs to be balanced against the need to ensure potential adverse effects on amenity and character of the surrounding environment and on the land transport network are managed appropriately (as directed by TEMP-O2 and TEMP-P2), particularly as TEMP-R1 applies in every zone except for the NOSZ. The mechanism to achieve this policy direction is to set permitted limits in the TEMP rules, e.g. controlling the frequency, duration and hours of operation of TA, at a level where there is confidence that potential adverse environmental effects will be acceptable, without further oversight from Council through the resource consent process.
73. I consider that larger events, such as the Northern Bass festival, do have the potential to generate adverse off-site effects on the surrounding environment. In my view, it is appropriate for Council to retain the ability to review applications for TA where they fall outside of the permitted standards in TEMP-P1 and be able to apply appropriate conditions (tailored to the specific site and event being proposed) to manage effects such as noise, traffic, safety and amenity issues.
74. Aside from the example of the Northern Bass festival, Fuzen has not provided any evidence as to why the permitted activity conditions in TEMP-P1 are too stringent when applied to all potential TA across the Kaipara district. Further, I am aware that Fuzen has recently been granted a resource consent that enables up to three large scale events per calendar year on the Worsfold

Farm site at 433 Settlement Road, Kaiwaka⁴. Having reviewed the conditions of this consent, I note that it has been granted without an expiry date (but subject to a review condition). Fuzen can rely on this consent to undertake TA in accordance with the consent conditions at the Worsfold Farm site in perpetuity, which may reduce the concerns raised by Fuzen about the stringency of TEMP-R1. As such, I do not recommend any amendments to TEMP-R1 in response to the Fuzen submission.

TEMP-R2 and TEMP-S2

75. TEMP-R2 and TEMP-S2 are intrinsically linked in that one is the rule for temporary military training activities in all zones, and the other contains standards for temporary military training activities only for the General residential zone. I have therefore considered them together.
76. Forest & Bird [149.106] support TEMP-R2 in part but consider that permitted standard TEMP-R2.1.b relating to ancillary buildings and structures is too permissive and should be deleted on the basis that buildings/structures can cause damage to areas containing indigenous vegetation during training exercises.
77. As discussed in Topic 1, although I accept that there is the potential for some consequential damage to indigenous vegetation during training exercises, TEMP-R2 does not exempt the NZ Defence Force from the need to comply with other relevant Part 2 – District Wide rules e.g. vegetation clearance and land disturbance rules in the Ecosystems and Indigenous Biodiversity chapter⁵. In this sense, potential damage to areas containing indigenous vegetation will be managed with respect to ancillary buildings and structures constructed for a temporary military training activity in the same way as it is managed for any other activity involving buildings and structures. As such, I disagree that TEMP-R2 is too permissive, and I do not recommend any changes in response to the Forest & Bird submission. I am aware that other submission points from Forest & Bird argue that the Ecosystems and Indigenous Biodiversity chapter does not go far enough with respect to protecting indigenous biodiversity, however those concerns will be addressed through evidence on that topic, which has not yet been heard.
78. NZ Defence Force requests a range of amendments to TEMP-R2 including:
 - a. The addition of a note to clarify that this is the only rule in the TEMP chapter that applies to temporary military training activities, again to avoid potential confusion with the wording of TEMP-R1 discussed above [284.31].

⁴ Resource consent RM250213, granted on 15 October 2025.

⁵ See Note 1 above the Rules table in the Temporary activities chapter

- b. Confirming that the 31-day duration set out in TEMP-R2.1.a applies to consecutive days (not a consecutive 12-month period) and that the duration limit does not include time taken to set up and pack down activities [284.37].
 - c. An amendment to TEMP-R2.1.b to allow for buildings and/or structures to be permanent if they are otherwise a permitted activity under the PDP or have a resource consent – alternatively NZ Defence Force consider that clause b could be deleted [284.37].
 - d. Amending the activity status if the TEMP-R2 permitted activity conditions are not complied with from restricted discretionary to controlled [284.37].
79. NZ Defence Force [284.38] also requests an amendment to TEMP-S2 to remove the requirement for a noise management plan to be submitted to Council as part of the notice given in advance of temporary military training activities. NZ Defence Force argue that, while it is unlikely that temporary military training activities involving weapons firing or use of explosives would be undertaken in the General residential zone, notice would be provided to Council of the activity and compliance would be required with the standards in the Noise chapter. In its view this is sufficient to control potential adverse noise effects in residential areas.
80. In response to the issues raised above by NZ Defence Force, I make the following comments:
- a. I do not consider that an additional note is required in TEMP-R2 to clarify the relationship with TEMP-R1. My recommendation to remove the double negative from the title of TEMP-R1 has, in my view, removed the potential for confusion.
 - b. I consider that if the requested wording for TEMP-R2.1.a was adopted, it would fundamentally change how intensively a site could be used for temporary military training activities. The intention of the 31-day cap was to impose a cumulative cap on the number of days where a temporary military training activity could occur across a consecutive 12-month period. It would allow for multiple training sessions to occur provided the total number of days in training did not exceed 31 days over that 12 months. The NZ Defence Force wording would result in no cumulative restriction on how many days in a year the same site could be used for training activities, provided no single training event exceeded 31 days. NZ Defence Force may wish to consider an alternative option in evidence that addresses how many training events could occur on the same site in a 12-month period if it wishes to pursue removing the cumulative cap of 31 days. However, I do agree that the timeframe should exclude set up and pack down time.

- c. I agree that buildings and structures associated with temporary military training activities should be allowed as permanent structures where they comply with permitted bulk and location standards in the underlying zone or are already lawfully established. I consider that it is important to retain TEMP-R2.1.b to ensure that temporary structures that will be in place longer than the mandated time before and after an event *and* infringe permitted zone standards are considered through the resource consent process.
- d. I consider that a restricted discretionary activity status for temporary military training activities that infringe TEMP-R2 is more appropriate than a controlled activity status. TEMP-R2 provides a permitted activity pathway in all zones. Although it is most likely that activities will take place in more remote areas such as the General rural zone, TEMP-R2 allows the NZ Defence Force to undertake training activities in any part of the Kaipara District. For that reason, it is important for the Council to retain the ability to decline a resource consent application for temporary military training activities if it is proposed in a location where the potential adverse effects on the receiving environment would be unacceptable.
- e. After reviewing the noise rules and standards applying to several other recently prepared district plans⁶, it does not appear common to require a noise management plan to be submitted as part of the notice given in advance of temporary military training activities, including in the instance that the use of weapons or explosives is proposed. I agree with NZ Defence Force that the requirement to comply with the relevant noise standards is sufficient, as resource consent will be required for infringements of NOISE-R7, being the specific noise rule for temporary military training activities involving weapons or explosives. Notably, NOISE-R7 does not require the preparation of a noise management plan, only compliance with specified operating hours, separation distances and sound pressure levels.

81. In line with the analysis above, I have recommended changes to TEMP-R2 and TEMP-S2 below.

TEMP-R3

82. Clarus [309.145] requests that TEMP-R3 be retained as notified and there were no other submissions on this rule. As such, I do not recommend any amendments to TEMP-R3.

⁶ For example, Proposed Far North District Plan 2022, New Plymouth District Plan – Operative in Part 2025, Waikato District Plan – Operative in Part 2025

7.3 Recommendations

83. I recommend that Note 1 above the Rules table is amended as follows:

“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.~~”

84. I recommend that the title of TEMP-R1 is amended as follows:

“Temporary activities excluding any temporary activity ~~not~~ listed below”

85. I recommend that the wording of TEMP-R2.a and b is amended as follows:

- a. The activity does not exceed a duration of 31 days within a consecutive 12-month period on any site (excluding set up and pack down activities);
- b. Any ancillary building or structure is removed within seven days of the activity being completed unless it is a building or structure that complies with the permitted rules and standards for the relevant zone or is lawfully established;

86. I recommend that the following wording is deleted from TEMP-S2.1:

“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:”

87. Note that I am also recommending changes to the structure of the TEMP chapter that impact the relationship between rules and standards – refer to Topic 6 below.

8. Topic 6: Out of scope errors and clause 16 corrections

TEMP-R4

88. In reviewing the TEMP chapter, I have noticed a clear error with the drafting of restricted discretionary rule TEMP-R4 – Temporary motorsport events. The policy direction for this rule is TEMP-P3, which clearly signals that temporary motorsport events should be enabled in the General rural zone, Heavy industrial zone or Light industrial zone. This is appropriate as these are the zones that are either large enough with few sensitive activities to accommodate motorsports (General rural zone), or have anticipated noise, traffic and amenity levels that align with a motorsport activity (the industrial zones).

89. However, TEMP-R4 has erroneously been applied to all zones rather than being restricted to the General rural zone, Heavy industrial zone and Light industrial zone. Instead, mention of these three specific zones has been included as matter of discretion (TEMP-R4.2.b), which does not limit the restricted discretionary activity status to these three zones. The outcome is that a temporary motorsport activity could be applied for as a restricted discretionary activity in any zone, including the most sensitive zones in the Kaipara District. This is clearly not the intent of TEMP-P3, however I do not have scope in submissions on the TEMP chapter to address this misalignment between policy direction and the rule which implements it. I also consider that, despite being an error in my view, the impact of the change would not be neutral (i.e. it would change the activity status of temporary motorsport activities across a range of PDP zones), which means it cannot be corrected as a clause 16 amendment under Schedule 1 of the RMA.
90. If the Hearing Panel consider that it has scope under a more general submission point in another topic to correct errors or better align policy direction with rules, I would recommend that TEMP-R4 be limited in its application to the General rural zone, Heavy industrial zone or Light industrial zone to align with TEMP-P3 and that TEMP-R4.2.b is deleted. As I do not have scope within this topic, I have not recommended this amendment in Appendix B of this report.

TEMP-S1 and TEMP-S2

91. I consider that the structure of the TEMP chapter as drafted can be improved with respect to TEMP-S1 and TEMP-S2 and the relationship with corresponding rules TEMP-R1 and TEMP-R2. Both of these standards are only referred to in the context of a single rule – it appears that separate standards were used to apply additional requirements for TA when they occur in the General residential zone, given that both TEMP-R1 and TEMP-R2 apply in all zones. However, this approach adds additional length and complexity to the chapter structure, as well as creating circular loops (i.e. matter of discretion TEMP-R1.3.e refers to any matters of discretion in TEMP-S1, which in turn refers a plan user back to TEMP-R1). In my view, the qualification that a particular permitted standard only applies in the General residential zone can be worked into the rule framework without the need for a separate standard.
92. I consider it more efficient to incorporate TEMP-S1 into TEMP-R1 and TEMP-S2 into TEMP-R2. These changes to the structure do not alter how the provisions of the TEMP chapter are applied and are neutral in their impact, which means the changes can be made as a clause 16 amendment under Schedule 1 of the RMA. These corrections are footnoted as clause 16 amendments in Appendix B of this report.