

## Memorandum

**To:** Mark Farnsworth – Hearing Panel Chair  
**From:** Melissa Pearson – section 42A officer for the Temporary activities topic  
**Date:** 4 February 2026  
**Subject:** Response to hearing statements received on the Temporary activities topic

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This memorandum has been prepared to summarise the hearing statements received from submitters on the Temporary activities (TA) topic, scheduled to be heard at Hearing 4 for the Proposed Kaipara District Plan (PDP) on Monday 23 February 2026.

This memorandum has been prepared in lieu of a formal addendum to my section 42A report, as the material received from submitters has not altered my position with respect to my recommendations on the TA provisions. The purpose of this memorandum is to assist the Hearing Panel understand the information that has been received and locate where I have responded to the relevant matters in my section 42A report in advance of the hearing.

### Evidence/hearing statements received

The Director General of Conservation (DOC) and KiwiRail Holdings Ltd (KiwiRail) have filed hearing statements in response to the TA section 42A report. No other hearing statements or evidence have been received.

#### DOC

The hearing statement tabled by DOC confirms that the Director-General of Conservation wishes to withdraw its right to be heard at Hearing 4. DOC confirms that it agrees with my position that the provisions in the TA chapter do not exempt TA from the need to comply with the controls within the Ecosystems and Indigenous Biodiversity Chapter. However, DOC considers that improvements can be made to the Ecosystems and Indigenous Biodiversity Chapter to ensure adverse effects on indigenous biodiversity are appropriately managed, including adverse effects from TA. DOC has clarified its preference to deal with such matters at the hearing on the Ecosystems and Indigenous Biodiversity Chapter, currently set down as Hearing 17 to be heard at some point in May 2026. As such, I maintain my analysis and recommendations in response to the DOC primary submission points as set out in my s42A report as Topic 1: Natural environment values and temporary activities (paragraphs 28-32).

#### KiwiRail

The correspondence from KiwiRail via email confirms that its interest in Hearing 4 is limited to TEMP-O1 and TEMP-O2. KiwiRail requested that these objectives be retained as notified and I have not recommended any amendments to these objectives. As such, KiwiRail accepts my recommendations for the TA topic and does not wish to be heard. My analysis and recommendations for the KiwiRail submission points are set out in my s42A report as Topic 3: Temporary activity objectives (paragraphs 42-45).