



SECTION 42A REPORT

Officer's written right of reply 15 November 2024

Hearing 6 and 7 – Temporary Activities chapter

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1 Introduction

1.1 Background

1. My full name is Lynette Morgan. I am the writer of the original Section 42A Report for Hearing 6 and 7 on the Proposed District Plan: temporary activities topic.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 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 primarily to respond to the evidence of the submitters and provide my right of reply to the Panel. In this Report I also seek to assist the Panel by providing responses to specific questions that the Panel directed to me during the hearing, under the relevant headings of the 42A Report.

3 Consideration of Evidence Recieved

4. Only two submitters gave evidence at hearing in relation to Temporary Activities, Waitangi Ltd and New Zealand Agricultural Aviation Association in respect of the Rule Framework and Temporary Agriculture Aviation Noise.
5. I have not recommended any changes so there are no new appendices for the panel to consider.
6. I maintain my position set out in my original s42A Report.

3.1 Rule Framework Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 2 – Rule Framework From Paragraph 62-64
Evidence in chief Waitangi Ltd	Paragraph 6.34- 6.43

3.1.1 Matters raised in evidence

7. As set out in the written evidence of Ms Jacobs, Waitangi Ltd largely accepted my recommendations in respect of the Temporary Activities rule framework. However, paragraph 6.36 of Ms Jacobs written evidence requests that there is no limit to the number of temporary activities occurring on Lot 1 DP 326610 being the majority of the Waitangi Estate site. This is in contrast to my recommendation to grant the relief sought by S503.050 for TA R1 PER-1, namely:

PER-1



The site is not used for more than two temporary activity events per calendar year, and the event does not exceed two consecutive days excluding the Waitangi Estate where a maximum of five events are allowed on the Treaty Grounds Per calendar year.

3.1.2 Analysis

8. The request for unlimited temporary activities was not explicit in S503.050, which specifically sought 5 events per calendar year, along with specific exemptions for Waitangi Day celebrations on the Treaty Grounds. Ms Jacobs appears to rely on S503.008, and 001 for scope for this request.
9. Ms Jacobs amended rule TA-R1 PER 1 sought the following:

The site is not used for:

- a) *more than two temporary activity events per calendar year, except that this limit does not apply to Lot 1 DP 326610 of the Waitangi Estate;*
10. The original submission from Waitangi Limited (S503.050) sought the following amendment to TA-R1 PER1:

" The site is not used for more than two temporary activity events per calendar year, and the event does not exceed two consecutive days excluding the Waitangi Estate where a maximum of five events are allowed on the Treaty Grounds per calendar year."
 11. The basis for the request is set out in submission in paragraph 11 page 29 of their submission and states "PER-1 relief is sought to enable a larger number of events to be held per calendar year, due to the number of events which are held on the site already."
 12. While I note that the primary relief sought by Waitangi Ltd is a special purpose zone (as detailed in their evidence for Hearing 4 dated 22 July 2024) in my opinion, the scope set out in S503.001 and 008 does not clearly set out scope beyond that in S503.050.
 13. In my opinion, given the above, here are significant natural justice issues with Waitangi Ltd's new rule now sought namely:
 - a) The proposed amended rule is outside the scope of the original submission;
 - b) The amended number of events is significantly additional to the five set out in their submission is now;
 - c) Insufficient analysis has been provided to determine the effects of the proposed amendment;



- d) No other submitter has had the opportunity to exchange evidence or submissions on the newly introduced proposed Rule framework.
- 14. I note that there is a consequential request at the hearing from Waitangi Limited regarding the signs chapter that requests that there is no limit on the number and size of temporary signs associated with temporary activities. This could result in considerable cumulative adverse effects.
- 15. While I note that the site is somewhat unique, the request for unlimited Temporary Events is likely out of scope and may have significant adverse effects which have not been fully assessed by the submitter.
- 16. However, I note that the request for a special purpose zone is still to be considered. If officers look to accept that a special purpose zone is the most appropriate vehicle for managing the Waitangi Estate then a different and more nuanced approach may be possible. However, the necessary information to make these recommendations are not with officers or the Panel at this time. I encourage Waitangi Limited to read and comply with Minute 14, which will give all parties more opportunity to provide a framework more fit for purpose for the Waitangi Estate.

3.1.3 Recommendation

- 17. I recommend that the abovementioned requested change be rejected.

3.2 Temporary Agricultural Aviation Noise

3.2.1 Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 4 – Temporary Agricultural Aviation Noise From Paragraph 89-105
Evidence in chief NZAA	From paragraph 2.3-3.3

3.2.2 Analysis

- 18. I have not summarised the evidence given by Mr Tony Michelle Executive Officer of the New Zealand Agricultural Aviation Association as Mr Kenton Baxter. the S42A report writer of the Noise chapter will be addressing these submissions in detail. The request for amended definitions, new definitions, and enabling provisions were coded to the NOISE topic. It is more appropriate any changes and discussion on that evidence are addressed by Mr Baxter and Mr Peter Ibbotson, Acoustic expert. However, I note that Mr Michelle prefers Agricultural Aviation Activities to be considered a 'farming activity'.



3.2.3 Recommendation

19. I am still of the view that these are appropriately managed as Temporary Activities.

4 Additional Information / Questions from the Hearing Panel

20. Prior to the submitters evidence commencing Councillor Foy raised a matter seeking clarification about the interface between noise in respect of temporary activities for example, concerts and the noise chapter.

21. To assist the Hearings Panel I note the following:

- a) The definition of Temporary Activities is as follows:

means an activity that is temporary and limited in duration. It may include carnivals; **concerts; fairs; festivals and events;** markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings or structures accessory to temporary activities, temporary car parking areas, and the ancillary activities associated with the temporary activities.

- b) The Temporary Activities Chapter provides the framework to manage the land use;
- c) The Noise Chapter sets out the noise requirements that the temporary activities are required to meet. Generally, these noise provisions could be characterised as 'enabling' when compared to the noise provision that would normally apply to particular locations.