

Chapter: TEMP – Temporary Activities

Feed-back No.	Section	Sub-section	Plan Provision	Feedback	Relief sought
41.1	TEMP – Temporary activities	General	General	<p>26 November 2020</p> <p>Submission to: District Planning, Timaru District Council</p> <p>From: [REDACTED]</p> <p>Timaru District Council Draft District Plan</p> <p>Introduction</p> <ol style="list-style-type: none"> 1. The [REDACTED] at the [REDACTED], [REDACTED] [REDACTED] has reviewed the Timaru District Council (TDC) Draft Plan and sees an opportunity for TDC to incorporate provisions for temporary accommodation in response to an emergency. After discussion with the TDC [REDACTED], [REDACTED] was invited to make a submission on the Draft Plan. 2. [REDACTED] is aware that the purpose of district plans is to assist territorial authorities in carrying out their functions to achieve the sustainable management purpose of the Resource Management Act 1991 (RMA). [REDACTED] is aware of the issues that district plans aim to manage such as the effects of land use, and the control of land use for the purposes of: <ul style="list-style-type: none"> • avoiding or mitigating natural hazards • the management of contaminated land • the maintenance of indigenous biological diversity • noise 	

3. [REDACTED] believes that having a district plan that facilitates temporary accommodation in response to an emergency aligns with TDC's Growth Management Strategy (GMS) and Long Term Plan (LTP). Both the GMS and LTP acknowledge the challenges facing the community, in particular the implications of climate change (increased flooding, droughts, sea-level rise, etc), and recognise that these must be mitigated as part of any long-term planning scenarios in order to build resilient communities.
4. [REDACTED] note that TDC's Draft Plan currently has provisions for Hazards and Risks and Temporary Activities. Consideration could be given to these provisions as a mechanism to enable temporary accommodation to mitigate the impact of hazards and emergencies.

[REDACTED] Submission

5. [REDACTED] submission seeks that the Draft Plan enables streamlined placement of temporary accommodation on private or public land, following an emergency through:
 - o flexibility in, or exemption from, planning and building rules
 - o proactive identification of, and appropriate rules for, sites suitable for locating multiple temporary accommodation structures on public land.

Context

6. Under the Civil Defence Emergency Management Act 2002 (CDEM Act) and the National Civil Defence Emergency Management Plan Order 2015 (National CDEM Plan), [REDACTED] is responsible for coordinating the provision of temporary accommodation. [REDACTED] does this through the business unit [REDACTED]
7. Temporary accommodation is for people displaced from their homes for a prolonged period (generally weeks or months, but possibly years) as a result of an emergency^[1]. Temporary accommodation is distinct from the provision of shelter and emergency accommodation, which is provided by regional Civil Defence Emergency Management (CDEM) groups for short periods (usually up to two weeks) in the immediate aftermath of an event.

8. Where [REDACTED] cannot assist or place clients into private rental accommodation, [REDACTED] will utilise other types of temporary accommodation (units) such as portable cabins and mobile homes (e.g. caravans, motorhomes) that are capable of being used for residential activities, and which typically include kitchen and bathroom facilities. Temporary accommodation may also include tents, yurts and other temporary structures in catastrophic events where displacement is widespread.
9. Temporary accommodation may be one or two units placed on private land while a house is being repaired, or multiple units placed together on public land to form a 'temporary village' (e.g. Kaikoura Housing Recovery Temporary Accommodation Village).
10. The CDEM Act provides that local authorities must plan and provide for emergencies and the National CDEM Plan requires CDEM groups to support [REDACTED] in its role to coordinate the provision of temporary accommodation by providing advice, information, and access to council-controlled temporary accommodation facility options.

[REDACTED] has to navigate the regulatory requirements applicable to each (unique) emergency response

11. With every emergency response, [REDACTED] has to navigate the operating and regulatory landscape in a different way because of the unique circumstances of each emergency. [REDACTED] must contend with differences in each response, the legislation applicable, and the preparedness and particular rules or processes of the local councils (territorial authorities and regional councils) involved, all of which cause delays in providing temporary accommodation.
12. Public and private land that may need to be used for a temporary accommodation would likely be subject to regulatory requirements e.g. servicing requirements that may mean that a resource consent or plan change is required in order to place units. Meeting these regulatory requirements can hinder the timely delivery of temporary accommodation which in turn adds to the burden already felt by affected households during a highly stressful time.
13. When deploying units, [REDACTED] would work with local councils to gain access to land and/or obtain the appropriate resource and building consents within a short timeframe. Expediting the regulatory approval processes for temporary accommodation would help to ensure timely delivery of temporary accommodation

			<p><i>solutions for affected households, as well as reducing the burden on councils when they are often inundated with consents to repair the local housing stock.</i></p> <ol style="list-style-type: none"><i>14. Where land is required for a temporary village, [REDACTED] would need to work with the local council to identify suitable sites. Sites that would meet the criteria for locating a temporary village are limited and availability may depend on the nature of the emergency i.e. a flood or earthquake impact land differently. Planning rules may prevent the use of sites for temporary accommodation.</i><i>15. Council processes often do not support the need to place many cabins rapidly on various sites, especially immediately following an emergency, and to redeploy them when required. Councils may also be busy with assessments of affected buildings; temporary accommodation processing may add to the council's workload and create unnecessary delay in finding solutions for affected households. [REDACTED] has encountered inconsistent application of regulatory requirements i.e. some councils apply the letter of the law while others might be more lenient.</i><i>16. The uniqueness of emergencies and their responses, along with sometimes ambiguous legislation and variable regulatory requirements across councils, can result in delays in [REDACTED] responding to temporary accommodation needs. Navigating the regulatory requirements and working through any necessary paperwork for each emergency response is inefficient and time-consuming. To date, the approach to placing units has been ad hoc, bespoke and pragmatic (to work around barriers). Examples of [REDACTED] and local authority responses are provided in Appendix One.</i><i>17. [REDACTED] is currently responding to the Napier Floods. One of the main issues that have become apparent in this response is the lack of existing accommodation options (commercial and private) for displaced households. There are a significant number of displaced households (52 registered with [REDACTED] that urgently require long term accommodation, with 160 people currently in emergency accommodation over three sites. [REDACTED] has a tight timeframe to work within as CDEM groups only provide shelter and emergency accommodation for a period of 14 days in the immediate aftermath of an emergency. [REDACTED] is continuing to meet with Napier City Council, Hawke's Bay Civil Defence and Emergency Management and other agency representatives regarding longer-term accommodation requirements for the affected residents. This includes identifying a suitable parcel of land to establish a 'village' on. It is very likely that [REDACTED] will, where possible, be placing portable cabins onto private land while a house is being repaired, or will place multiple units together on public land to form a 'temporary village'. Both of these solutions will take time as they must go through due</i>	
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process and regulatory approval from NCC; however temporary accommodation must be provided as soon as possible and would benefit from an expedient process.

Submission for change to the District Plan

- 18. In serious emergencies, the government may use extraordinary powers to enable or expedite action (e.g. Canterbury earthquakes) or bespoke legislation may be enacted to enable new powers (e.g. the Canterbury Earthquake Response and Recovery Act 2010 was enacted following the Christchurch earthquakes). Minor to moderate emergency events may not warrant the use of special powers. In the absence of extraordinary powers, other enabling mechanisms or levers are required to ensure timely delivery of temporary accommodation.*
- 19. ■■■ has been examining options on how to work with councils to provide temporary accommodation more effectively and efficiently. Solutions include:*
 - streamlined and consistent resource and building consent processes for establishing temporary structures in an emergency across councils*
 - proactively identifying a number of sites suitable for a temporary village, and for those sites to have appropriate rules in their district plans to enable temporary accommodation in an emergency*
- 20. ■■■ recommends that the Draft Plan include policies and provisions that enable the establishment of temporary accommodation in response to an emergency while minimising impacts on the community and environment. Our recommendations include:*
 - Development of a temporary accommodation policy similar to that developed by Christchurch City Council under the Canterbury Earthquake Order 2011[2]*
 - Exemptions from, or flexibility around, rules for temporary accommodation units on private land e.g. exemption from setback provisions and site coverage rules*
 - Sites are identified as suitable for locating temporary villages[3] and are given an appropriate designation*
 - Sites identified as suitable for locating temporary villages have appropriate rules that temporarily allow e.g. permitted activities, higher density, and flexibility in the provision of services. Different rules may apply according to the likely duration of the temporary accommodation.*

21. [REDACTED] would like to emphasise that incorporating provisions in the District Plan to facilitate the delivery of temporary accommodation will benefit affected communities by ensuring a speedy resolution for displaced people and families at a critical time.
22. [REDACTED] would also like to emphasise that incorporating provisions in the District Plan to facilitate the delivery of temporary accommodation would align with TDC's Growth Management Strategy and Long Term Plan.
23. [REDACTED] look forward to working with the Council to progress detailed development of the Draft District Plan, and any further consultation for developing and adopting the Proposed District Plan.
24. [REDACTED] recently made a similar submission to the Christchurch City Council district plan review. [REDACTED] would like to work with TDC and Christchurch City Council to develop a framework that can also guide other councils to enable the delivery of temporary accommodation in their district plans.

Appendix One: Case studies of [REDACTED] responses

Christchurch earthquakes temporary accommodation villages

After the Christchurch Earthquakes in 2010/2011, [REDACTED] partnered with [REDACTED] to form the [REDACTED]. [REDACTED] role under [REDACTED] was to coordinate temporary accommodation options for earthquake-affected residents.

- Thirty-four sites were considered by [REDACTED] as possible locations for the temporary villages.
- [REDACTED] built 124 units at four temporary accommodation villages to house residents displaced by the 2010/2011 Christchurch earthquakes. The villages comprised of Rawhiti Domain village (20 re-locatable units); Linwood Park village (42 re-locatable units); Rangers Park subdivision (40 permanent units); Kaiapoi Domain village (22 re-locatable units).
- The villages were designed to give each occupant a reasonable amount of space, balanced with the need to fit an optimum number of units onto the land area available. Parking spaces were also included.

- Reserves were able to be used for housing because of two Orders in Council under the Canterbury Earthquake Response and Recovery Act 2010 and the Canterbury Earthquake Recovery Act 2011.
- When the village units were removed from the reserves, the land was remediated by the Temporary Accommodation Service.
- To support the Christchurch city's recovery, the Council streamlined its Resource Management Act processes.
- The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 enabled the Council to permit temporary accommodation for displaced people and businesses that would otherwise not comply with the Christchurch District Plan. The Order has an expiry date of 30 June 2021. Any temporary accommodation established under this legislation can therefore only remain on site until that date unless it complies with the District Plan, or a resource consent has been obtained.
- The Christchurch District Plan allows temporary accommodation as a permitted activity if it complies with the rules in Chapter 6 of the Plan. These vary depending on the type of temporary accommodation and the zoning of the property. If the rules cannot be met, approval is needed from the Council.
- Christchurch City Council has a policy on temporary accommodation (<https://ccc.govt.nz/assets/Documents/Consents-and-Licences/resource-consents/TA/Report-to-Council-22-September-2016-Amended-policy-for-temporary-accommodation.pdf>).

Kaikoura temporary accommodation village

After the Kaikoura earthquake in November 2016, the Kaikoura District Council (KDC) Recovery Office identified a need for temporary accommodation for those who had to vacate their damaged homes while they were being repaired. KDC and [REDACTED] worked together to establish a temporary village comprising seven fully equipped 2 bedroom 12m x 3m portable cabins with outdoor space and parking.

- *Four potential council-owned sites were identified and assessed*
- *The selected site was flat vacant land located between a railway line and Beach Road residential properties.*

- Sewer, stormwater and water services were available nearby to connect to and there were no major development impediments. There was no record of the site being used for hazardous activities or industries.
- The site was zoned Business B zoning and provided for visitor accommodation as a permitted activity. The temporary nature of the [REDACTED] accommodation complied with the District Plan and no resource consent was required. The proposed village also met performance standards of the zone and for relocated buildings.
- [REDACTED] funded, developed and maintained the grounds (including services and roading) and buildings.
- Building consent was exempted with conditions e.g. compliance with the Building Code (detailed plans were provided with the exemption application).

Southland Flood Event – portable cabins on private land

After flooding in Southland February 2020 Southland Emergency Management group identified a need for temporary accommodation for those residents whom the Gore and Southland District Councils (DC) Building Control units had identified as requiring significant repairs to make their homes habitable.

- Gore DC identified 8 dwellings that required significant repair to make habitable. This work would take several months.
- Southland DC identified one dwelling requiring work to make habitable.
- Both councils identified that all homeowners affected had properties significantly large enough and flat enough sections to enable the provision of a portable cabin onsite.
- Acting as project managers for [REDACTED] both councils undertook a site assessment to assess for the suitability of a portable cabin.
- Gore Building Control acting as project manager met the trucking firm to ensure correct site placement of the portable cabin supplied by [REDACTED]
- Both councils accepted that the cabins comply with the building code and all work to connect the cabin was minor allowable work.
- Gore DC took the position that the provision of the portable cabins was allowable work in relation to setbacks requirements and district plan considerations given the cabin were likely to be on-site for less than 12 months. Southland DC customer did not get

accommodation via █████ ultimately. Neither council required █████ to request an exemption. It is assumed both councils have emergency provisions which allowed them to override the District Plans for emergencies. (Set back rules and site coverage rules were not matters that were considered in this event. This comes down to a pragmatic decision.)

- Connections to services were a connection to the homeowners' services, including drains, electrical and water connections. As the main dwelling was not being used this created no impact on council-owned services.

Edgecumbe flooding response

Following the Edgecumbe flooding event in April 2018, █████ partnered with The Whakatane District Council to provide accommodation options for the affected community. Three accommodation options were created – portable cabins on private sites, a joint investment venture in the Whakatane Holiday Park and joint investment in the Kokohinau Marae. The details of each venture are as follows.

Portable cabins on private sites

- An agreement was reached between █████ and Whakatane District Council to waive any building consent requirements
- Portable cabins were placed alongside flood-damaged residential buildings or at an agreed site while repairs were carried out on the affected property.
- Site checks to assess site suitability and availability of service connections were completed by the Whakatane District Councils 'Liveable homes' project team on behalf of █████
- Once repairs were completed the portable cabins were redeployed to another site or held in an allocated area to await further deployment.
- Once the response was completed, the portable units were transferred to a █████ Military base to be held as a strategic reserve for another response.

Kokohinau Marae Development

- [REDACTED] and Te Puni Kokiri jointly funded the development of papakainga housing development on land owned by the Ngati Awa hapu, Pahipoto.
- A planned development was expedited for use by flood-affected residents which then had a second use as kaumatua housing by the hapu.
- All RMA and Building Act requirements were followed as normal, with Bay of Plenty Regional Council providing support to expedite the RMA process in the interest of timeliness.

Development of Whakatane Campground

- [REDACTED] partnered with Whakatane District Council to improve the (Council owned) Whakatane Holiday Park for use as housing with a second use as visitor accommodation.
- A development was agreed upon where 10 new units were to be added to the Whakatane Holiday Park.
- Council managed the construction process including RMA and District Plan rules while [REDACTED] provided funding for a portion of the development.
- Once the buildings were completed, the residential tenancies for flood-affected individuals were managed by [REDACTED]. At the end of the recovery, the units were returned to the Council.

[1] This depends on the nature of the emergency. Temporary Accommodation may be provided during both the response and recovery and may be for longer periods e.g. the Christchurch Earthquake, the Covid-19 response.

[2] Temporary accommodation policy under the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 <https://ccc.govt.nz/assets/Documents/Consents-and-Licences/resource-consents/TA/Report-to-Council-22-September-2016-Amended-policy-for-temporary-accommodation.pdf>.

				<p><u>[3]</u> The site on which a [REDACTED] village may be located needs to meet particular requirements for ease of establishment and to be user-friendly for inhabitants:</p> <ul style="list-style-type: none"> • Owned by people/institutions who are willing for them to be developed • Sufficiently large to enable the placement of a number of dwellings • Connected to key utilities (wastewater, power, drinking water) • Close enough to the affected area to allow displaced households to continue to work, attend school and participate in community life. 	
144.3	TEMP – Temporary activities	Objectives	TEMP-O1 Temporary activity Temporary activity	<p>It is appropriate to recognise the benefits of temporary activities, including TMTA, which contribute to the wellbeing of the community.</p>	Retain this Objective as drafted.
96.37	TEMP – Temporary activities	Policies	TEMP-P1 Benefits of temporary activities	<p>[REDACTED] supports this policy in part as it provides for temporary events to enhance the quality of life and vitality of the district. More specifically, the policy should also account for emergency services to undertake training, as it is provided for in various locations throughout the plan. Specifically, providing for this in the policy enables it to better integrate with the objectives, and rules of the plan.</p> <p>Amend to include:</p> <p>temporary training activities for emergency services that enable personnel to train.</p>	
144.4	TEMP – Temporary activities	Policies	TEMP-P1 Benefits of temporary activities	<p>It is important to recognise the social, economic and cultural benefits of TMTA. Being able to undertake TMTA across a wide range of locations is critical to ensuring that [REDACTED] [REDACTED] are ready to respond to a military or civilian emergency or disaster, in New Zealand or overseas.</p>	Retain this Policy as drafted.

144.5	TEMP – Temporary activities	Rules	Note: For certain activities, consent may be required	<i>The explanatory note is helpful in ensuring consistent application of the TEMP Rules in relation to other chapters, particularly the relationship with the Zone chapters. There may be instances where reference to the Zone chapters is appropriate in the TEMP rules, and this should be expressed in the note, by inserting the wording ‘unless otherwise stated’.</i>	Amend note as follows (additions shown underlined): “The rules in Temporary Activities chapter take precedence over any rules in Part 3 – Area Specific Matters – Zone Chapters, unless otherwise stated.”
144.6	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<i>It is appropriate to provide for TMTA as a permitted activity in the District-wide Matters Chapter, which applies across all zones in the Plan.</i>	Retain permitted activity rule status as drafted.
144.7	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<i>PER-1 It is not necessary or appropriate to impose a requirement to remove buildings and structures within seven days of completion of the activity. From time to time, and at the landowner’s request, buildings or structures constructed as part of a TMTA may be permanent and not removed at the conclusion of the training exercise, provided it is a permitted activity (or a resource consent obtained). Buildings or structures constructed as part of a TMTA should not be required to be removed when they are intended to be permanent and are otherwise provided for by the Plan.</i>	Amend this performance standard as follows (insertions shown underlined), to allow buildings or structures to remain where they are permitted within the zone: “Any ancillary building or structure is removed within seven calendar days after completion of the activity, unless otherwise provided for by the Plan; and”

144.8	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>PER-2</i></p> <p><i>TMTA are by their nature temporary and can vary in duration depending on the training activity being undertaken. ██████ selects its proposed training sites depending on the proposed training activity, with various sites required across the training regime each year. While some sites may be used more than once, the total duration is unlikely to exceed a total of 31 consecutive days per calendar year. However, it is appropriate to exclude any set up and pack out activities from this duration limit.</i></p>	<p>Amend this performance standard to state (additions shown underlined):</p> <p>“The duration of the activity does not exceed a collective total of 31 calendar consecutive days per year on any site, excluding set-up and pack-out activities.”</p>
144.9	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>PER-3</i></p> <p><i>It is not considered appropriate or necessary that an activity, structure or building part of a TMTA is required to comply with the recession plane and setback rule standards for the zone in which the activity is taking place. By their very nature, TMTA are temporary, and any adverse effects resulting from associated buildings and structures will be temporary also. We note that Rule TEMP-R3 does not impose this requirement on temporary events, and consider it appropriate that the same be applied to TMTA.</i></p>	<p>Delete Standard PER-3 in its entirety.</p>
144.10	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>PER-4</i></p> <p><i>It is considered unnecessarily onerous to require that no permanent or mechanical excavation is carried out in relation to TMTA, when the Draft Plan provides for earthworks for other activities and in the Residential and other zones as a permitted activity where the relevant standards are complied with. TMTA are required to comply with the rules of the General District wide matters chapter already, which includes EW-Earthworks, and therefore PER-4 should be deleted in its entirety.</i></p>	<p>Delete PER-4 in its entirety.</p>
144.11	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military	<p><i>Note 1</i></p> <p><i>Including a cross reference to the relevant noise provisions is appropriate.</i></p>	<p>Retain note as drafted.</p>

			training activities		
144.12	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>Note 2</i></p> <p><i>Although only a note and therefore not an obligation on █████ █████ the District Plan provisions, we remind Council that █████ would not be required to contact the relevant roading authority or arrange a traffic management plan for every TMTA. Many TMTA are small scale, involving few traffic movements and would not trigger this requirement.</i></p>	Delete Note 2 under Rule TEMP-R2, or amend to state “if required”.
144.13	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>Activity Status where PER-3 or PER-4 are not met</i></p> <p><i>█████ requests a Controlled Activity status for TMTA that do not meet the Permitted Activity standards. █████ considers that this activity status is appropriate where the effects are known, and should apply when any of the permitted activity standards are not met (i.e. PER-1 – PER-4), noting that as above, █████ requests that PER-3 and PER-4 are deleted.</i></p>	Amend to Controlled Activity status for TMTA where the activity is not permitted, in respect of PER-1 and PER-2.
144.14	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>TEMP-R2 Activity Status where PER-1 or PER-2 are not met</i></p> <p><i>█████ considers a Discretionary activity status too onerous for TMTA where the effects of such an activity are known. █████ considers a Restricted Discretionary activity status is appropriate and is already provided for in the Draft Plan (see feedback above). Noting that █████ requests Standards PER-1 and PER-2 are best managed through a restricted discretionary activity status as discussed above, and █████ requests that PER-3 and PER-4 are deleted.</i></p>	Delete discretionary activity status.
144.15	TEMP – Temporary activities	Rules	TEMP-R2 Temporary military training activities	<p><i>Rule TEMP-R2 Matters of Discretion</i></p> <p><i>The matters of discretion listed under Rule TEMP-R2 are considered overly onerous and inappropriate to manage the potential effects of TMTA. TMTA are a temporary activity and may include a wide range of activities. In particular, it is not appropriate to retain discretion over dust and sediment effects and ground stability as these factors are separately controlled by the EW-Earthworks rules.</i></p>	Delete the matters of discretion as currently drafted, and replace with matters directly relevant to the effects that may be generated by not meeting the permitted activity standards for TMTA.

96.38	TEMP – Temporary activities	Rules	TEMP-R3 Temporary events All zones except	<p><i>A temporary event means “a type of temporary activity that is a planned public or social occasion and includes carnivals, fairs, markets, auctions, displays, rallies, shows, commercial filming or video production, gymkhanas (equestrian), dog trials, concert, and other recreational and sporting activities, public meetings, hui, and emergency services training events, but excludes motorsport events”.</i></p> <p>█ supports the inclusion of emergency services training events.</p>	
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