

Submission on Proposed Waitomo District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: Waitomo District Council
Attention: Proposed District Plan Review – Team Leader

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Submission by: New Zealand Defence Force
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1. Introduction

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. While NZDF does not currently operate any facilities within the Waitomo District, this does not preclude the potential for NZDF to need to establish new facilities in the district in the future.

NZDF may also undertake temporary military training activities (TMTA) in the district from time to time. NZDF undertakes TMTA across the country in accordance with requirements under the Defence Act 1990 and as part of its function of maintaining operational capability and the nation's security, as well as providing for the well-being, health and safety of communities.

TMTA can include a range of activities, from small scale, shorter duration activities including office / classroom-based activities to larger scale exercises, and might involve search and rescue, infrastructure support (such as deployment of water purification and supply facilities as used in the aftermath of the Canterbury and Kaikoura earthquakes), bomb deactivation training, weapons firing, personnel movements and dog training etc. TMTA may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

NZDF is undertaking a nationwide programme to seek updated, appropriate and consistent standards relating to TMTA in District Plans. NZDF broadly supports the approach to TMTA in the Waitomo Proposed District Plan and is pleased to see that TMTA are appropriately provided for. A detailed submission, identifying points of detail, is attached.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.

A handwritten signature in blue ink, appearing to read 'M. Davies', is centered on the page.

Person authorised to sign
on behalf of New Zealand Defence Force

Date 21 December 2022

Attachment A: Detailed submission

Deletions are marked with ~~strikethrough~~ and additions with underline.

Point	Provision	Support / Oppose / Amend	Reasons	Decision sought
Part 1 – Introduction and General				
Chapter 9 – Definitions				
1.	Significant hazardous facility	Support	This definition excludes Temporary Military Training Activities (TMTA) from significant hazardous facilities. This is appropriate as TMTA are materially different from the other activities listed.	Retain definition as proposed.
2.	Temporary military training activity	Support	This definition identifies TMTA as separate from other temporary activities, which is appropriate. This definition is consistent with the definition included in the National Planning Standards.	Retain definition as proposed.
3.	Emergency management activities	Support	This definition identifies training activities and the provision of assistance during a declaration of a state of local or national emergency. This is appropriate.	Retain definition as proposed.
4.	Emergency service facilities	Support	This definition of emergency service facilities is considered appropriate.	Retain definition as proposed.
5.	Noise sensitive activity and sensitive activity	Support in part	It is appropriate to define noise sensitive activities to help guide interpretation of objectives, policies and rules. The definition captures the relevant activities	Retain definition as proposed subject to including community facilities, educational facilities and hospitals under the definition.
6.	New Definition for 'Temporary activity'	Amend	<p>There is no definition for temporary activity within the proposed plan. However, temporary activities are referred to within the plan (e.g. within the emergency management activities definition, TMTA definition, and temporary activities chapter). A definition for temporary activity should be included to confirm the activities that this term encompasses if it is going to be included in the plan.</p> <p>'Temporary Events' are referred to in the plan as what appears to be a substitute for 'Temporary Activities'. The term 'activity' is more consistent with the language used in</p>	Insert new definition for ' <u>Temporary Activity</u> ' or if 'Temporary Events' and temporary activities are intended to be one in the same, update all plan references to 'Temporary Event' to 'Temporary Activity'.

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			other District Plans nationally and the proposed chapter 40 title.	
7.	New Definition for 'Reverse sensitivity'	Amend	NZDF does not operate any sites within the district. However, NZDF sites elsewhere in New Zealand are often subject to reverse sensitivity issues, due to encroaching residential development. Therefore, NZDF suggests the inclusion of a definition for reverse sensitivity.	<p>Insert new definition for '<u>reverse sensitivity</u>' consistent with the definition included in the Waikato Regional Council Regional Policy Statement. being:</p> <p><u>Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.</u></p>
8.	New Definition for 'Motorised craft'	Amend	NZDF may require the use of motorised craft on the surface of water.	Insert new definition for ' <u>motorised craft</u> '.
Part 2 – District Wide Matters – Natural Hazards				

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9.	NH-RX	Amend	<p>TMTA may require the placement of temporary buildings and structures in High Risk Flood Zones to enable realistic training, such as the construction of temporary operations buildings.</p> <p>Currently, rule NH-R7 provides for accessory buildings, which includes those associated with TMTA, as a permitted activity subject to compliance with the permitted activity standards. The focus of this rule is permanent structures, and its intent is supported. However, it does not recognise that buildings associated with TMTA are often temporary and are of a low vulnerability. Therefore, it is appropriate that temporary buildings are provided for as a permitted activity due to their temporary nature.</p> <p>Also, it is appropriate for buildings and structures to be able to remain in place if they are permitted under the other plan provisions. 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.</p>	<p>Include a new permitted activity rule specific to TMTA as follows:</p> <p><u>NH- RX: Buildings associated with Temporary Military Training Activities in a Hazard Area</u></p> <p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <u>The building or structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u> <u>No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u>
Part 2 – District Wide Matters – Natural Features and landscapes				
10.	NFL-RX	Amend	<p>NZDF is required to undertake training activities to meet requirements under the Defence Act 1990. TMTA must occur in a variety of urban and rural environments to simulate real world scenarios. As TMTA are temporary in nature, so too are any adverse effects from any temporary buildings and structures that may be located in outstanding natural landscapes/features.</p>	<p>Include a new permitted activity rule for temporary buildings and structures associated with TMTA within outstanding natural features, outstanding natural landscapes, landscapes of high amenity value and the karst overlay – for example the following (or wording to similar effect):</p> <p><u>NH- RX: Structures associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER</u></p>

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				<p><u>Where:</u></p> <ol style="list-style-type: none"> <u>The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u> <u>No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u>
Part 2 – District Wide Matters – Activities on The Surface of Water				
11.	Policy ASW-P1	Support	NZDF supports the recognition of temporary activities within the policy.	Retain policy as proposed.
12.	ASW-P2	Support	NZDF supports the recognition of temporary activities within the policy.	Retain policy as proposed.
13.	Rule ASW-R1	Support	NZDF supports this rule, which under point 3, permits activities “carried out by a local authority or organisation exercising powers, functions and duties required as part of their responsibilities under any relevant statutory provisions”. We interpret this to include TMTA (and any associated surface water structures) which NZDF is required to undertake in order to meet obligations under the Defence Act 1990.	Retain rule as proposed.
Part 2 – District Wide Matters – Coastal Environment				
14.	New rule CE-Rx under CE Table 1 (natural character), CEH - Table 1 (setbacks, earthworks and seawall), and CEH Table 2 (coastal hazard areas).	Amend	TMTA may require the placement of temporary buildings and structures in the coastal environment to enable training exercises such as beach landings. Due to their temporary nature, it is appropriate that any buildings or structures ancillary to TMTA are permitted.	<p>Include new Rule CE-Rx under CE-Table 1, CEH-Table 1, and CEH-Table 2 as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER</u></p> <p><u>Where:</u></p>

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				<p>a. <u>The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u></p> <p>b. <u>No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u></p>
Part 2 – District Wide Matters – Noise				
15.	Objective NOISE-O1	Support	NZDF supports the enabling of noise-generating activities in appropriate areas. This is particularly relevant to TMTA which should be enabled in all areas due their national significance and the temporary nature of effects.	Retain objective as proposed.
16.	Objective NOISE-O3	Support	NZDF supports the recognition of reverse sensitivity as an issue and the direction to locate noise sensitive activities such that it minimises reverse sensitivity effects.	Retain objective as proposed.
17.	Policy NOISE-P2	Support	While NZDF does not have any existing facilities in the District, reverse sensitivity effects are an issue for many NZDF sites. Therefore, NZDF supports the direction to utilise land use controls to manage the design and/or location of new noise sensitive activities.	Retain policy as proposed.
18.	Policy NOISE-P3	Support	This policy recognises that temporary activities are important to economic and social wellbeing and that, given this, temporary exceedances of typical noise limits are acceptable. Temporary activities area also important for providing for health, safety and security. This is relevant to TMTA which are critical to NZDF being ready and trained to respond to security events and natural disasters, as well as maintaining operational capability. NZDF seeks a minor wording change to make it clear that it is the ‘economic and social wellbeing’ of communities that is being referred to.	Retain policy as proposed, with the following amendment: Manage noise at source while recognising that some activities are important for <u>the economic and social wellbeing and health, safety and security of communities</u> and may exceed the specified noise levels on a temporary and/or irregular basis. However, there remains a duty for such activities to avoid unreasonable noise.
19.	Rule NOISE-R2.	Support in part	NZDF is required to undertake training activities to meet obligations under the Defence Act 1990. TMTA are	Delete NOISE-R2 and only include one permitted rule specific to TMTA within the Temporary Activities chapter, subject to

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			<p>uniquely military in nature and therefore it is appropriate for District Plans to include specific TMTA provisions to address their effects. This is supported by the National Planning Standards which include a specific definition of “temporary military training activity” as distinct from temporary activities.</p> <p>TMTA must also occur in a variety of urban and rural environments to simulate real world scenarios. NZDF has sought independent expert advice to develop noise standards that appropriately manage adverse noise effects from TMTA, such that they can be a permitted activity in all zones. Through the implementation of the standards, zone-based resource consent triggers, such as in the proposed plan, are not required.</p> <p>As currently proposed, the Plan includes permitted activity rule NOISE-R2 and associated performance standards NOISE-R14 for TMTA. This is an unnecessary duplication of rule TEMP-R7.</p>	<p>compliance with performance standards NOISE-R14 and the amendments to NOISE-R14 outlined in submission point 21 below.</p>
20.	Rule NOISE-R8	Oppose	<p>NZDF has sought independent expert advice to develop noise standards that appropriately manage adverse noise effects from TMTA, such that they can be a permitted activity in all zones. These are included in Attachment B and include standards for helicopter landing areas associated with TMTA. The requested standards cover all TMTA activities in a single, concise location in the plan. This assists with efficient plan interpretation.</p> <p>Given TMTA are temporary in nature and will not be ongoing at one site over the course of a year, and have national benefits, it is appropriate that they are enabled and do not need to comply with NOISE-R8 permitted activity conditions 1-3.</p>	<p>Amend rule NOISE-R8 as follows: Emission of noise from helipads, farm helipads and helicopter landing areas, <u>excluding helicopter landing areas associated with temporary military training activities.</u></p>
21.	NOISE-R14	Oppose	<p>NZDF has sought independent expert advice to develop noise standards that appropriately manage adverse noise effects from TMTA, such that they can be a permitted activity</p>	<p>Update performance standard NOISE-R14 to match the noise standards contained in Attachment B.</p>

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			in all zones. These are contained within Attachment B of this submission. The proposed standards do not reflect those sought by NZDF. The requested standards cover all TMTA activities in a single, concise location. This assists with efficient plan interpretation.	
Part 2 – District Wide Matters – Temporary Activities				
22.	Objective TEMP-O1	Support	It is important to recognise the benefits of temporary activities.	Retain Objective as proposed.
23.	Policy TEMP-P7	Support	It is important to recognise the benefits to community health and safety from providing for TMTA.	Retain Policy as proposed.
24.	Rule TEMP-R7	Amend	It is appropriate that TMTA are provided for as a permitted activity in all zones. As outlined above, NZDF has sought independent expert advice to develop noise standards that appropriately manage adverse noise effects from TMTA, such that they can be a permitted activity	Retain rule as proposed with the following amendment: TEMP-R7: Temporary military training activities Activity Status: PER <u>Where:</u> <u>1. Performance standard NOISE-R14 is complied with.</u>

Attachment B: TMTA permitted activity rule noise standards

1. Weapons firing and/or the use of explosives*

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 500m
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 95 dBC
1900 to 0700 hours: 85 dBC

*NZS6802:2008 Acoustics – Environmental Noise shall not be used to assess noise from weapons firing and use of explosives.

2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to ‘construction noise’ taken to refer to mobile noise sources*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity*.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	n.a.
1900 to 2200 hours	50 dB	
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

Shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*.

* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.