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Submission on the Proposed Porirua District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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1. Introduction

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Although NZDF does not currently operate any facilities in Porirua, NZDF may develop facilities in the district in the future. NZDF may also undertake Temporary Military Training Activities (TMTA) at any location in New Zealand, including in Porirua City. We note that TMTA are currently provided for in the Operative Plan as a permitted activity (subject to permitted activity standards).

2. Background

NZDF is undertaking a nationwide project to update the standards in district plans relating to TMTA. NZDF undertakes TMTA across the country as part of its function of maintaining the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of communities. TMTA can include a range of activities, from office/classroom based activities to large scale military 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 earthquakes), bomb deactivation training, weapons firing, personnel movements, dog training etc. They may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

A detailed submission is attached as Attachment 1. More information on the nature of TMTA is provided in Attachment 2 to this submission.

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, **we will consider** presenting a joint case with them at the hearing.



19/11/2020

Date

Person authorised to sign
on behalf of New Zealand Defence Force

Attachment 1: NZDF submission points

Point	Provision	Support/ Oppose / Amend	Reasons	Relief Sought
1	Hierarchy of temporary activity definitions in Definitions Nesting Tables	Oppose	The Proposed Plan includes a hierarchy of a number of similar or grouped definitions. Temporary military training activities are listed beneath the temporary activity definition, meaning it forms a subset of temporary activities. This is inappropriate as TMTA are distinct from other types of temporary activities and are subject to their own specific policies and rules in the plan. Nesting this definition implies that the provisions relating to temporary activities would apply in addition to the TMTA-specific provisions. The rules for temporary activities specifically note that they do not apply to TMTA. Therefore, TMTA should not be linked to the definition of 'temporary activity' in any way.	Remove TMTA from the nesting table for 'temporary activity', and amend the 'temporary' nesting table so that it appears as follows: Temporary <i>Temporary activities</i> <i>Temporary military training activity</i> Further, remove the hyperlinked cross-reference to the definition of "temporary activity" that is currently set out in the TMTA definition.
2	Definition of Temporary Military Training Activity	Support	The proposed definition is consistent with the definition in National Planning Standards (2019). NZDF supports the inclusion of this definition.	Retain definition as currently drafted (subject to the relief sought above).
3	New objective providing for TMTA	Amend	Currently there is no specific Objective to support TMTA in the Plan, although there is a Policy (reference TEMP-P3). Removing TMTA from the nested definition of temporary activities means that the existing objectives in the TEMP chapter do not apply. To avoid this Policy being an 'orphan policy' a new objective specifically providing for TMTA should be inserted into the Plan.	Insert a new objective in the Plan, specifically providing for TMTA. Proposed wording as follows: <i>'O3 – Temporary military training activities contribute to local and national security and provide for the wellbeing of the community'</i> .
4	Policy TEMP-P3	Support	NZDF supports the inclusion of a TMTA-specific policy, and supports the wording of this policy.	Retain the policy as drafted.
5	Rules Introduction	Support	It is appropriate that TMTA are not subject to the general Plan rules for noise and light. Noise from TMTA is managed through	Retain the note in the Rules introduction that states <i>'The rules and</i>

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			the specific noise standards provided in APP2 – Noise Standards for Temporary Military Training Activities.	<i>standards in both the Noise and Light Chapters do not apply to TEMP-R5 or TEMP-R6.'</i>
6	Rules TEMP-R1 to R5	Support	TMTA should not be subject to Rules TEMP-R1 – R5 that apply to temporary activities, as they are not relevant to the management of TMTA effects.	Retain the note under the individual Rules TEMP-R1 - R5 that states ' <i>This rule does not apply to temporary military training activities.'</i>
7	Rule TEMP-R6 1.	Support	It is appropriate to provide for temporary military training activities as a permitted activity in the District wide Plan provisions, subject to permitted activity standards. NZDF supports the proposed rule and standards as drafted.	Retain permitted activity rule and standards TEMP-R6-1.a, TEMP-R6-1.b and TEMP-R6-1.c.
8	Rule TEMP-R6 2	Support	For TMTA where the permitted activity standards are not met, a restricted discretionary activity status is appropriate. NZDF supports this rule and the proposed matters for discretion, as these provide adequate scope to consider the effects of any exercise.	Retain Restricted Discretionary activity status and matters of discretion as notified.
9	Noise Standard APP2	Amend	<p>NZDF is undertaking a nationwide project to seek TMTA specific noise provisions be included in District Plans. As TMTA are uniquely military in nature, it is appropriate to have specific provisions to address their effects. To this end, NZDF has commissioned professional acoustic advice and has developed a set of noise standards specific to TMTA, to replace those currently included in district plans. NZDF has reviewed and updated the standards since providing them to Council as part of the initial Plan review process, and as such the standards in the notified Plan are now superseded and should be replaced.</p> <p>The proposed plan should also ensure that the noise generated from weapons firing and explosives should not have to comply with both the dBC noise limit and the minimum separation distance. The noise control standard intended to be used is the separation distance between the activity and any sensitive</p>	Delete the standards in APP2 of the notified Plan and replace with the updated noise standards provided in Attachment 3 to this submission, including helicopter movements.

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			<p>receiver. The activity should comply with the relevant minimum separation distance and should only have to prove compliance with the peak sound pressure level where the minimum separation distances cannot be met.</p> <p>The separation distances have been developed so that if the activity occurs at the specified separation distances, the corresponding peak sound pressure level will automatically be achieved. The separation distance is used to allow for personnel with no acoustics knowledge to plan where firing may occur, and also ensures ease of compliance. The use of separation distances is often a more stringent standard than the corresponding noise limit. This is explained in further detail below.</p> <p>NZDFs updated noise standards are attached as Attachment 3 to this submission, including helicopter movements. An explanation of the Standards is provided in Attachment 4 to this submission.</p>	

Attachment 2 – Temporary Military Training Activities Information Sheet

The New Zealand Defence Force (NZDF) is required to undertake training activities in accordance with the Defence Act 1990.

These training activities include a wide range of activities, including: physical training, dog training, signals (radio communications) exercises, medical and dental exercises, Medivac simulation, Improvised Explosive Device Disposal (IEDD) exercises, IEDD search exercises (in commercial or industrial buildings as well as outdoors), Small construction tasks, camp setup, including field kitchens and ablutions, search and rescue, Civil Defence support, driver training and infrastructure support (e.g. water purification and supply facilities). NZDF also undertakes activities that are more recognisable as military exercises, including the use and firing of weapons (both live and blank ammunition) and the detonation of explosives.

A practical example of training relates to the unit that provides dental services to deployed troops. A key part of training is setting up and operating their deployable facilities in locations remote from their home base. They exercise that skill by setting up in location for a period and providing free dental care to patients who might otherwise miss out. School children in areas remote from dental services are often the beneficiaries of that training activity.

Troops also train within NZDF owned properties, military camps and bases. However, it is important that troops are trained outside of these locations to ensure the skills learned are able to be applied in new and different situations, not just in familiar areas.

Many activities are carried out “off-base” by NZDF personnel are essentially similar to training activities conducted by other public service or commercial organisations. Included in that comparison are (for example) NZ Police, NZ Fire Service, the various ambulance services, search and rescue, and specialist cliff rescue teams.

Training activities may include the use of powered machinery, vehicles or aircraft and may involve weapons firing and the use of explosives, in addition to the deployment of personnel. In some exercises weapons may be carried or set up for realism but not fired. Temporary military training activities may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

Training activities are carried out “off-base” for a variety of reasons and two of the important reasons are diversity and realism. Skills that are learned and practiced “on-base” must be tested or extended in unfamiliar contexts “off base”.

Extended “off-base” activities are costly in terms of funding and time and are not used for routine, repetitive training. An extended duration is not required to achieve the objective of testing skills in a different context. So, while an exercise might be undertaken over a period of days or weeks; typically an exercise would only take place in one locality for a period of a few days.

Attachment 3 - Permitted Activity Noise Standards for Temporary Military Training Activities

Rule X: Temporary Military Training Activities are permitted activities provided they comply with the following 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

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.

Attachment 4: Explanation for replacement noise standards for Temporary Military Training Activities

NZDF wishes to make sure that the noise standards included in Plans are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate permitted activity standards to control noise effects from Temporary Military Training Activities (TMTA). This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed plans nation-wide.

The replacement noise standards proposed by NZDF focus on compliance at dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, the NZDF's proposed standards divide noise sources from TMTA into four categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; fixed noise sources such as power generators and water pumping; and helicopter landing areas. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. NZDF considers that this division allows a more comprehensive and appropriate method for controlling noise from TMTA.

1. Weapons firing and/or the use of explosives

The noise control standard uses a tiered approach for weapons firing and explosives, where the first tier is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Two separation distances are specified – a nighttime distance and a daytime distance. The distances are conservative and have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distances will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for nighttime). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For weapons firing/ explosives activities that are not able to meet the separation distance standard, or if the site location conditions meant that the setback could be reduced (e.g. where a hill separates a sensitive receiver from the TMTA), then the second tier - the peak sound pressure levels (dBC) - would apply. Where these peak sound pressure levels can be met, then the TMTA would be a permitted activity.

2. Mobile noise sources

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

3. Fixed (stationary) noise sources

For fixed noise sources, which can be located to ensure compliance with standards, dB LAeq levels are specified, in line with NZS6802:2008 Acoustics – Environmental Noise. This is considered the most appropriate way to control noise levels from these sources.

4. Helicopter landing areas

NZDF has also considered noise from helicopters associated with temporary military training activities. NZDF proposes the use of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas to control this type of noise.