

**BEFORE THE HEARINGS PANEL**

**PORIRUA CITY COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Porirua District Plan (General District-Wide Matters: Amateur Radio, Earthworks, Light, Noise, Signs and Temporary Activities)

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**MEMORANDUM BY ALEX GIFFORD (PLANNING) ON BEHALF OF THE  
NEW ZEALAND DEFENCE FORCE**

**SUBMITTER 124**

**15 FEBRUARY 2022**

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## **INTRODUCTION**

- 1 My name is Alex Gifford and I am a Senior Planner with Tonkin + Taylor. I attended Hearing 4 of the Proposed Plan on Friday 11 February 2022 and presented expert planning evidence on Temporary Military Training Activities (TMTA) on behalf of the New Zealand Defence Force (NZDF).
- 2 During the hearing, the Hearings Panel queried which District Councils have provided for night-time (7pm – 7am) weapons firing and explosive use as a permitted activity within their District Plan's and which have not. This information was not readily available at the time of the hearing and it was agreed that I would provide this information via a memorandum by the close of Hearing 4 on Tuesday the 15<sup>th</sup> of February 2022.

## **DISTRICT PLAN REVIEW**

- 3 There are over 60 District Council's within New Zealand and their respective District Plans became operative at different times. Many of the older operative District Plans are currently under review and proposed District Plans have been prepared. To ensure the information presented to the Hearings Panel is the most up to date reflection of how TMTA are being included within the latest District Plans, I have limited my review to District Plans that have been made operative since 2016. For clarity, 2016 was used as the last six years of information was considered a reasonable length of time to establish how TMTA are being managed within District Plans.
- 4 Table 1 below identifies the District Plans that provide for weapons firing and explosive use at night-time subject to:
  - a The latest permitted activity standards proposed by NZDF that have been updated now that the Howitzer weapon system is no longer used; and
  - b The original permitted activity standards that allowed for the Howitzer weapon system to be used.
- 5 Table 2 below identifies District Plans that provide for TMTA, which includes weapons firing and explosive use, but use alternative permitted activity standards to those previously and currently proposed by NZDF.
- 6 Table 3 below outlines the District Plans that do not provide for night-time weapons firing and explosive use as a permitted activity.

**Table 1: Operative District Plans (post 2016) that provide for night-time weapons firing and explosive use as a permitted activity, subject to permitted activity standards**

Council	Date Plan operative	Comment
Waikato District Plan	2022	These District Plans have adopted the standards proposed by NZDF to be included in the Porirua District Plan for night-time weapons firing and explosive use.
Opotiki District Council	2021	
Invercargill District Plan	2019	
Proposed Selwyn District Plan	Proposed 2020 <sup>1</sup>	
Marlborough District Plan	2020 (appeals version)	Night-time weapons firing and explosive use are provided for using the up-to-date noise limit (85 dBC), but the permitted activity standards do not include the proposed setbacks.
Hurunui District Plan	2018	
Kapiti-Coast District Plan	2021	These District Plans included the setbacks and noise limits proposed by NZDF for night-time weapons firing and explosive use. However, I note that the setbacks and noise limits are those that allowed for the use of the Howitzer, which is no longer used by NZDF as explained by Mr Humpheson in his evidence.
Auckland Unitary Plan	2016 (operative in part)	
Hastings District Council	2020 (operative in part)	
South Taranaki District Council	2020	
Horowhenua District Council	2015	
South Waikato District Council	2021	
Whakatane District Plan	2017	
Whanganui District Plan	2021 (assumed date as unable to confirm)	
Southland District Council	2018	
Dunedin District Plan	2018	
Tasman District Plan	2016 (operative in part)	

**Table 2 - Operative District Plans (post 2016) that do not exclude weapons firing and explosive use at night-time, but have alternative permitted activity standards to those proposed by NZDF**

Council	Date Plan operative	Comment
Tararua District Plan	2019	TMTA provided for as a permitted activity in all zones. Weapons firing and explosive use are not distinguished from other TMTA and all TMTA must comply with the same general noise limits.
Rotorua District Council	2016	Permitted activity in all zones except the City Centre zone, Reserves 2 zone, Community Asset zone and Water zone. There are not permitted activity noise standards specific to the TMTA rule, therefore, the general zone noise limits apply.

<sup>1</sup> Included on the basis that similar to the Porirua District Plan, hearings are currently underway on this district plan review.

**Table 3 – Operative District Plans (post 2016) that do not provide for night-time weapons firing and explosive use as a permitted activity**

Council	Date Plan operative	Comment
Palmerston North District Plan	2019	The permitted activity standards exclude weapons firing and explosive use at night.
Waipa District Plan	2016	Noise from explosives is not permitted between 8pm and 6.30 am. Weapons firing is not specifically excluded and must comply with the general noise limits.
Gisborne Resource Management Plan	2020	TMTA captured under the general 'Temporary Activities' permitted activity rules and required to comply with General Noise standards for the zones. Temporary activities are excluded from being undertaken between 10pm-7am when within or adjacent to a residential zone.
Hamilton City	2017	A permitted activity rule specific to TMTA is not included within the 'Temporary Activities' chapter of the Plan. The activity defaults to a non-complying activity.

- 7 Also, as outlined in my original evidence, both Thames-Coromandel District Council and Queenstown Lakes District Council have decided not to regulate TMTA in their latest District Plans (appeals version). TMTA are provided for as a permitted activity and there are no permitted activity standards relevant to night-time weapons firing and explosive use.

#### **ADDITIONAL COMMENTS**

- 8 During the hearing, the Hearings Panel commented that new, and noisier, weapons may be used by NZDF in future and that the modelling that was undertaken to inform the proposed setbacks would not have considered these weapons. Therefore, it could not be guaranteed that the setbacks proposed would be sufficient to meet the noise limits of 85 dBC and 95 dBC for night-time and daytime weapons firing and explosives use, respectively.
- 9 The intention is not to breach the noise limits. As such, NZDF proposes adding the following statement to provide clarity that the noise limits must be met. A complete copy of the suggested provisions including this amendment is provided in Attachment 1.

For the avoidance of doubt, all activities shall comply with the relevant peak sound pressure levels in standard c regardless of compliance being achieved with the relevant separation distance.

Alex Gifford

15 February 2022

## Attachment 1: Amended TMTA rules and noise standards

<b>TEMP-R6</b>	<b>Temporary military training activities</b>
All zones	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. No permanent structures are constructed;</p> <p>b. The duration of the activity does not exceed a period of 31 consecutive days (excluding set up and pack down activities); and</p> <p><del>c. No live firing weapons and single or multiple explosive events occur between 7pm and 7am in any 24-hour period; and</del></p> <p><del>d.c.</del> Noise does not exceed the levels in APP2 - Noise Standards for Temporary Military Training Activities.</p>

<b>APP2 - Noise Standards for Temporary Military Training Activities</b>		
<b>APP2- Table 1 Noise standards for temporary military training activities</b>		
<b>Noise source</b>	<b>Time</b>	<b>Noise standard</b>
<p><del>Live firing w</del>Weapons firing and single or multiple explosive events</p> <p><u>Noise from weapons firing and use of explosives shall not be assessed using NZS 6802:2008 Acoustics – Environmental Noise.</u></p>	<p>7.00am to 7.00pm</p>	<p>A peak sound level of 95dBC measured at or within the notional boundary of a noise sensitive activity.</p> <p><u>a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.</u></p> <p><u>b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity in the rural zone and the site boundary in all other zones:</u></p> <ul style="list-style-type: none"> <li>• <u>0700 to 1900 hours: 500m</u></li> <li>• <u>1900 to 0700 hours: 1,250m</u></li> </ul> <p><u>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 in the rural zone and the site boundary in all other zones:</u></p> <ul style="list-style-type: none"> <li>• <u>0700 to 1900 hours: 95 dBC</u></li> <li>• <u>1900 to 0700 hours: 85 dBC</u></li> </ul>

		<u>For the avoidance of doubt, all activities shall comply with the relevant peak sound pressure levels in standard c regardless of compliance being achieved with the relevant separation distance.</u>
Firing of blank ammunition	7.00am to 7.00pm	A peak sound level of 95dBC measured at or within the notional boundary of a noise sensitive activity
<del>Other</del> Mobile noise sources  This includes: Personnel, light and Heavy vehicles, Self-propelled equipment; and Earthmoving equipment.  But excludes: The firing of weapons and explosives.		Shall comply with the noise limits set out in tables two and three in NZS 6803:1999 Acoustics – Construction Noise with reference to 'construction noise' taken to refer to mobile noise sources.
<del>Other</del> Stationary noise sources  This includes: Power generation Heating, ventilation or air conditioning systems, Water and wastewater pumping/treatment systems.  <u>Noise shall be measured at the notional boundary of any building housing a noise sensitive activity in the rural zone and the site boundary in all other zones.</u>	7.00am to 7.00pm	55 dB LAeq(15 min)
	7.00pm to 10.00pm	50 dB LAeq(15 min)
	10.00pm to 7.00am	45 dB LAeq(15 min) 75 dB LAmax
Helicopter Landing Areas		Helicopter landing areas shall comply with NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas <sup>2</sup> .

<sup>2</sup> This document will be incorporated into the PDP and as such the Council will need to hold a certified copy in accordance with Part 3, Schedule 1 to the RMA.