

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)

**STATEMENT OF EVIDENCE OF REBECCA DAVIES ON BEHALF OF THE
NEW ZEALAND DEFENCE FORCE**

SUBMITTER 124

20 JANUARY 2022

INTRODUCTION

- 1 My name is Rebecca Davies and I am employed by the New Zealand Defence Force, (NZDF) within Defence Estate and Infrastructure as a Principal Statutory Planner. I have been in statutory planning roles for NZDF since 2016. My role is national and “tri-service”, which is to say I manage and engage in Resource Management Act statutory processes on behalf of Army, Navy and Air Force throughout New Zealand in relation to on-base and off-site infrastructure and activities.
- 2 NZDF is a government department, an element of the Crown, and provides military capability as required by Government. NZDF is empowered and authorised in its activities by The Defence Act 1990 and by output agreements with Government.
- 3 I am familiar with NZDF’s submission on the proposed Porirua District Plan (Proposed District Plan). I confirm that I have the authority to provide evidence in relation to the matters set out below on behalf of NZDF.

SUMMARY OF STATEMENT

- 4 Temporary military training activities (TMTA) are essential and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 5 TMTA include a broad range of activities such as search and rescue, medical and dental services and small construction tasks. Live and blank weapons firing activities are much less likely to take place than other essential, but rather more mundane, activities.
- 6 Noise resulting from discharge of ammunition or explosives is the only unique effect of TMTA that warrants specific management through the Proposed District Plan.
- 7 NZDF has obtained specialist acoustic advice and has developed modern, effective and efficient controls for that noise. Those controls have been adopted by over twelve District Councils in the review of their District Plans and are proposed by NZDF for adoption in the Proposed District Plan.
- 8 The Council’s section 42A report (Temporary Activities) recommends the majority of TMTA are permitted activities. However, it is recommended that weapons firing and use of explosives at night-time (1900-0700 hours) require resource consent as a restricted discretionary activity. Also, permitted activity standards that do not fully

reflect those proposed by NZDF in its submission are recommended. These recommendations are very problematic for NZDF because they impact the ability of the NZDF to undertake TMTA, and TMTA are an essential activity as explained below.

TEMPORARY MILITARY TRAINING ACTIVITIES

The importance of Temporary Military Training Activities

- 9 Section 5 of the Defence Act 1990 provides for the raising and maintenance of armed forces for various purposes, including for the defence of New Zealand, to protect the interests of New Zealand, to assist the civil power in times of emergency, and in the provision of any public service. Training is essential for the “maintenance” of armed forces.
- 10 NZDF undertakes TMTA across the country as part of its function of maintaining the nation’s security and providing for the well-being, health and safety of communities. TMTA are essential in maintaining capability so that NZDF is ready to respond to a wide range of national and international situations, including providing aid and assistance following emergencies such as earthquakes and major storm events. For example, the 2010 Christchurch and 2016 Kaikoura earthquakes, the flood event in Edgecumbe and Whakatane in 2017 and more recently, the White Island eruption and flooding in the South Island. TMTA may also involve counter-terrorism exercises. It is therefore in the national interest, and wider community’s benefit, that TMTA can occur without undue restriction.
- 11 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”. If personnel are unable to practice their skills in a greater diversity of structures and environments than is present in the likes of familiar Camps and Bases they cannot do the job we all expect them to be able to do. Anti-terrorist, bomb clearance training and a host of other activities benefit from diversity and realism in training environment.
- 12 In order for NZDF to maintain its ability to deploy, it needs to be able to undertake training in both urban and rural environments. This ensures personnel are highly trained and able to support domestic, regional and global security situations. It is therefore vital that activities can be undertaken in all zones within the District.

- 13 Many district plans around the country have or are currently being reviewed and NZDF has engaged in those review processes to ensure that where training activities might be subject to control through a district plan the controls are, as far as practicable, consistent and that compliance is simply achieved and simply assessed. In the last eight years NZDF has made formal requests or submissions to 30 Councils including to Porirua City Council in respect of the Proposed District Plan. Some larger-scale exercises cross district boundaries, so consistency is very important from an exercise planning and risk mitigation perspective.

Nature and Frequency of Temporary Military Training Activities

- 14 The Porirua District is an area where NZDF may choose to undertake TMTA as part of personnel training. Porirua is an important strategic location because it is relatively close to key Defence sites including Trentham Military Camp, Base Ohakea, Linton Military Camp and Waiouru Military Training Area. It is close to New Zealand's capital city, Wellington and the NZDF headquarters based there and it has ready access to the coast.
- 15 The proposals NZDF has submitted to Council do not pre-empt a change in the nature or quantity of training likely to be conducted in the Porirua District. Rather, NZDF is seeking to simplify and modernise the rules applying to TMTA and to ensure that activities that are carried out in the area remain lawful. NZDF has raised these issues now not because we want to change what we do, but rather in response to the Proposed District Plan.
- 16 Live and blank firing activities are much less likely to take place than other essential, but rather more mundane, activities and are only carried out subject to very stringent and site specific safety controls. It is standard practice to provide notice to neighbouring landowners prior to the activity occurring, so that landowners are aware that the activity is for training purposes and so that any noise generated is not unexpected. Live and blank firing are included as part of a standard rule that NZDF is seeking be used consistently in District Plans throughout the country.
- 17 TMTA are conducted on land that is controlled by a private or public owner. Those owners, particularly public owners such the Council itself, can be expected to exercise normal discretion in allowing, or setting conditions for TMTA to take place on land they own.
- 18 TMTA might include (but are not restricted to) activities such as:

- a. Search and rescue
- b. Driver training
- c. Medical and dental services
- d. Camp setup, including field kitchens and ablutions
- e. Small construction tasks
- f. Signals (radio communications) exercises
- g. Medevac simulation
- h. Civil Defence support and emergency response
- i. Improvised Explosive Device Disposal (IEDD) exercises
- j. IEDD search exercises (in commercial or industrial buildings as well as outdoors)
- k. Infrastructure support (e.g. water purification and supply facilities)
- l. Dog training

as well as what might be more conventionally understood by the term military training. Many activities similar to those carried out by NZDF as TMTA are also conducted by other service or civilian organisations such as the Police Force, search and rescue organisations and Fire and Emergency NZ.

- 19 By way of a detailed example, NZDF maintains a unit that provides dental services to deployed troops. For this unit, a key part of training is setting up and operating deployable facilities in locations remote from a 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.
- 20 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.
- 21 The Section 42A Report (Temporary Activities) recommends that weapons firing or use of explosives at night (1900-0700 hours) require a resource consent as a restricted

discretionary activity¹. NZDF disagrees with this approach. As outlined above an important reason for undertaking TMTA is to ensure that Defence personnel are trained for 'real world' situations. This includes weapons firing and explosive use at night which can be expected to occur if deployed.

- 22 Flexibility is essential for TMTA when Defence personnel are operating in a "real-world" scenario and an element of "surprise" needs to be maintained for the exercise participants. For example, during exercises different units could be making their way to a point where a firing activity has been planned. If those units are delayed, flexibility is required otherwise the whole exercise would be undermined if the weapons firing and/or explosive use component cannot occur because of a time restriction. Also, exercises might be necessary to test equipment specifically in night-time conditions. Therefore, the night-time exclusion does not provide sufficient flexibility for NZDF to undertake TMTA involving weapons firing or explosive use.
- 23 As Mr Humpheson notes in his evidence, it would be relatively rare for NZDF to fire weapons and use explosives after 2200 hrs at night when people may be sleeping. It is more likely that TMTA will occur during the evening period (1900-2200 hrs), especially in the winter months when it is dark but still considered part of the normal day (1900 hrs).

Scale of Temporary Military Training Activities

- 24 TMTA are typically small to medium in scale as indicated by the types of activities identified above. While an exercise usually only takes place in a locality for a period of a few hours or days, in some cases these activities may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.
- 25 Larger exercises of greater duration are generally mobile, moving though the country in accordance with an exercise scenario. Such an exercise might begin with landings at a port or coastal area, move hundreds of kilometres over a period of days or weeks exercising various skills on the way, and might conclude at an NZDF training area where live firing might be conducted. However, these types of exercises occur

¹ Refer TEMP-R6, permitted activity condition c

infrequently – for example, NZDF’s biggest training exercise, Exercise Southern Katipo, occurs once every few years.

Noise Management

- 26 The Section 42A Report (Temporary Activities) recommends that the permitted activity noise standards proposed by NZDF be accepted for mobile noise sources, fixed (stationary) noise sources and helicopter landing areas. However, the Section 42A Report (Temporary Activities) recommends the removal of the proposed setbacks for weapons firing and/or the use of explosives as a permitted activity standard in APP2-Table. A reference to noise measurements at the notional boundary as also been omitted from mobile and fixed (stationary) noise sources. Therefore, this is the focus of my evidence below.
- 27 Noise resulting from discharge of ammunition or explosives is the only unique effect of temporary military training. NZDF acknowledges that noise effects from these types of TMTA need to be appropriately controlled within the District Plan.
- 28 Activities involving discharge of ammunition generate noise that has quite specific characteristics and require specific management to avoid unnecessary effects on nearby residences. NZDF wishes to make sure that the noise standards included in the District Plan are up-to-date, appropriate for the type of noise generated, and are reasonably simple to understand, to plan for compliance and to assess compliance with.
- 29 To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from TMTA. Mr Humpheson will provide detailed evidence on the acoustic standards proposed by NZDF. Based on specialist acoustic advice NZDF has developed proposed permitted activity standards that provide a holistic means of managing and mitigating all the types of noise that might be generated by TMTA conducted anywhere in the country.
- 30 In summary our proposal achieves the following:
 - a. Compliance with accepted noise limits to protect residential amenity and other sensitive activities;
 - b. Simplicity, transparency, effectiveness and efficiency in planning, management and compliance.

- 31 NZDF has been successful in having these bespoke permitted activity standards adopted through plan review processes in several districts (e.g. Southland, Horowhenua, Rotorua and South Waikato District Councils) and is currently engaged in many plan reviews with that end in mind. Thames Coromandel District Council concluded that there was no need for any controls at all on noise from military training activities and Queenstown Lakes District Council also took this view.
- 32 The effect of NZDF's proposed planning approach is that for assessment of compliance, the Council's compliance officer would simply have to measure the distance between the site of the activity and the site in relation to which a complaint has been made. This is very easily done either using a paper map or internet-based tools such as the Council's GIS. Council's compliance officer would not need a noise meter, would not have to attempt to measure a noise long gone, and would not need any acoustic knowledge.
- 33 In devising a training activity involving weapons firing or explosives use, NZDF's exercise planners generally prefer to select a location that complies with the first-tier setback distances, rather than determining compliance with the second-tier noise limits. This is not only easier from a practical perspective, but is also straightforward for a member of the public to determine whether the activity complies with the district plan rules, based simply on the location of the activity.
- 34 The Section 42A Report (Temporary Activities) recommendation is to remove the setback distances in APP2 – Table 1 as a permitted activity standard and rely solely on the permitted noise limits². The rationale for this is that there are limited locations within the Porirua District where the setbacks could be applied to determine compliance. We disagree with this rationale as there are sufficient locations with the Porirua District that the setbacks could be applied. As outlined above, TMTA can be small scale and TMTA involving weapons firing or the use of explosives could occur within a small geographical area as part of a wider training exercise. For example, an exercise may involve navigation through the Porirua District with a discrete period of weapons firing in an isolated rural location. The inclusion of the setbacks enables Defence personnel to quickly and easily identify these locations when planning an exercise.

² Section 42A (Temporary Activities) paragraph 35

- 35 A further advantage to the setbacks is that weather conditions do not need to meet the prescribed standards for undertaking noise measurements.
- 36 NZDF's proposal is different to the more traditional District Plan noise provisions, but based on technical evidence, and in the view of the District Councils which have already adopted it, the standards are entirely appropriate.
- 37 In terms of the measurement of noise from mobile and fixed (stationary) sources, as Mr Humpheson has explained a measurement at the notional boundary of any building housing a noise sensitive activity is appropriate rather than the site boundary.

RELIEF SOUGHT

- 38 To provide for diversity and flexibility in training, NZDF seeks that TMTA, as well as noise resulting from TMTA, are provided for as permitted activities in all zones, subject to compliance with NZDF's proposed noise provisions. This is also important from a consistency perspective as it streamlines the exercise planning process. Having different rules apply to different zones creates significant challenges in planning exercises, particularly mobile exercises that move across zones within a district.
- 39 NZDF seeks that the minimum separation distances are retained as a permitted activity standard within APP2-Table 1. These improve the ease of plan implementation for NZDF when planning TMTA and also for Council if undertaking compliance monitoring.
- 40 NZDF also seeks that the permitted activity noise standard for weapons firing and/or the use of explosives at night-time (1900 to 0700 hours: 85 dBC) is retained in APP2-Table 1 and condition c of rule TEMP-R6 is deleted. This will provide NZDF with flexibility to plan and implement TMTA activities.
- 41 A marked-up version of the Section 42A report (Temporary Activities) showing all relief sought by NZDF is included as Attachment 2 to Mr Gifford's evidence.

CONCLUSION

- 42 TMTA are essential and in many respects are identical to training activities carried out by other emergency services and commercial organisations.

- 43 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”.
- 44 The NZDF is not pre-empting a change in the nature or quantity of training likely to be conducted in the Porirua District. Rather, we are seeking to simplify and modernise the rules applying to TMTA, to ensure that activities that are carried out in the area remain lawful, and to provide consistency across the country.
- 45 Noise resulting from discharge of ammunition or explosives is the only unique effect of TMTA that warrants specific management through the District Plan. However, live and blank firing activities are much less likely to take place than other essential, but rather more mundane, training activities.
- 46 NZDF has obtained specialist advice and has developed modern, effective and efficient controls for that noise. Those controls have been adopted by several District Councils in the review of their District Plans and are proposed for adoption in the Proposed District Plan.

Rebecca Davies

20 January 2022