

Submission on Central Hawke's Bay Proposed District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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This is a submission on the Central Hawkes Bay District Council Proposed District Plan 2021.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Within the Central Hawke's Bay, NZDF does not operate any facilities. However, this does not preclude the potential for NZDF to need to expand or 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 as part of its function of maintaining its operational capacity and nation's security, as well as providing for the well-being, health and safety of communities.

NZDF supports the proposed definition of TMTA, the inclusion of TMTA within the District Wide chapter, and the proposed noise standards for TMTA. However, NZDF opposes the default activity status of TMTA that do not comply with the relevant performance standards. NZDF requests that this is changed from Restricted Discretionary to Controlled and that the matters of control are limited to control the effects related to the permitted activity standards (i.e. noise and earthworks).

A detailed submission is attached. I note that the points identified below are matters of detail only and NZDF broadly supports the approach to TMTA in the Proposed District Plan and is pleased to see its activities are appropriately provided for.

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.

A handwritten signature in black ink, appearing to be 'C. Adams', written in a cursive style.

Person authorised to sign
on behalf of New Zealand Defence Force

Date 28/07/2021

Point	Provision	Support / Oppose / Amend	Reasons	Relief sought
Part 1 - Definitions				
1.	Major Hazardous Facility	Support	This definition excludes military training activities from major hazardous facilities. This is appropriate as military training activities are materially different from the other activities listed.	Retain definition as notified.
2.	Temporary event	Support	This definition excludes temporary military training activities. This is appropriate as it provides clarity and will ensure that the particular controls imposed to manage the effects of social, cultural and recreational events do not apply to TMTA.	Retain definition as notified.
3.	Temporary Military Training Activity	Support	This definition identifies military training activities 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 notified.
Part 2 – General District Wide Matters				
4.	NOISE-O4: Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards.	Support	This objective recognises the importance of TMTA to the community, including its functional and operational requirements.	Retain objective as notified.
5.	NOISE-P6: To allow noisy activities of limited duration and frequency which are of importance to the community, such as noise associated with the operation of emergency services and temporary military training activities, subject to appropriate controls.	Support	This policy provides for TMTA subject to appropriate noise standards, and appropriately recognises the importance of TMTA.	Retain policy as notified.
6.	NOISE-R1.1 Emission of noise: Permitted	Support	It is appropriate that noise emissions are permitted in all zones provided the relevant standards are complied with.	Retain standard as notified.
7.	NOISE-S5: Specific activities exempt from the Noise limits in NOISE-S4 [...] Temporary events (other than temporary military training)	Support	It is appropriate to specifically exclude TMTA from the specific noise standards applying to temporary events.	Retain standard as notified.
8.	NOISE-S5: Specific activities exempt from the Noise limits in NOISE-S4 [...] Helicopter Landing Areas (includes points 16-18)	Support with amendment	Helicopter landing areas associated with TMTA are already provided for in the specific TMTA noise standards and should therefore be excluded from this standard.	Retain standard as notified with the following minor amendment: Helicopter Landing Areas (<u>other than those for temporary military training activities</u>)
9.	NOISE-S5: Specific activities exempt from the Noise limits in NOISE-S4 [...] Waipukurau Aerodrome/ Airport (includes points 19-22)	Support	It is appropriate to specifically exclude military operations from specific noise standards for the Waipukurau Aerodrome/Airport.	Retain standard as notified.

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10.	NOISE-S5: Specific activities exempt from the Noise limits in NOISE-S4 [...] Temporary military training activities (includes standards 31-34)	Support with amendment	The proposed standards are the bespoke noise controls that NZDF has developed for TMTA, and are consistent with the standards adopted by other district plans nationwide for TMTA. A minor amendment is sought so the requirement for noise to be measured in accordance with NZS6801:2008 applies to all TMTA, not just helicopter landing areas.	Retain standard as notified with the following amendment: 34: Helicopter landing areas: a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. b. 35. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.
11.	TEMP-O1: Temporary activities enhance and contribute to community connectedness, a vibrant district and the social, environmental, economic and cultural well-being of communities.	Support	This objective recognises the importance of temporary activities, including TMTA, to the well-being of communities.	Retain objective as notified.
12.	TEMP-P1: Allow temporary activities provided that their effects are appropriately managed.	Support	This policy supports TMTA being a permitted activity, subject to appropriate standards.	Retain policy as notified.
13.	TEMP-P4: Ensure that temporary activities that exceed permitted noise levels demonstrate the noise effects are appropriate, having regard to: 1. the existing ambient noise levels and the character and amenity of the adjacent properties; 2. the length of time that permitted noise levels will be exceeded, particularly at night; 3. the maximum level of noise likely to be generated, its nature, character and frequency, and the disturbance this may cause to surrounding properties; 4. the extent to which the noise effects can be appropriately mitigated; 5. the positive effects associated with the event; and 6. the potential adverse effects on the amenity values and health and safety of the surrounding properties, including cumulative effects.	Support	This policy provides clear direction on the matters that shall be considered should TMTA require a resource consent for a breach of the TMTA specific noise standards.	Retain policy as notified.
14.	TEMP-R3.1 Temporary Training Military Activities: Permitted Where the following conditions are met: a. Limited to: i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity. b. Compliance with: i. NOISE-S1(measurement and assessment of noise) ; and ii. NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) (noise limits specific to temporary military training activities). c. Compliance with: i. EW-S1 (slope); ii. EW-S2 (extent of earthworks); iii. EW-S3 (vertical extent of earthworks); iv. EW-S4 (site reinstatement); v. EW-S5 (control of silt and sediment);	Support with amendments	It is appropriate that TMTA are provided for as a permitted activity in all zones, subject to the standards identified. However, condition (b)(i) should be deleted, as the measurement and assessment of noise is already stipulated in the TMTA-specific standards in NOISE-S5. Also, earthworks standards c(i-vii) do not need to be listed as TMTA are required to comply with the other rules within Part 2 of the District Plan, including the earthworks chapter (e.g EW-R7). Also, a minor amendment to condition (d) is required to allow permanent structures that are otherwise permitted by the plan. NZDF supports the inclusion of a district-wide Temporary Activities chapter as it is considered to be efficient plan-making.	Retain rule as notified with the following modifications – a. Limited to: i. a period of 31 days, excluding set-up or pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the temporary military training activity. b. Compliance with: i. NOISE-S1(measurement and assessment of noise) ; and ii. NOISE-S5(31), NOISE-S5(32), NOISE-S5(33), and NOISE-S5(34) and NOISE-S5(35) (noise limits specific to temporary military training activities). c. Compliance with: i. EW-S1 (slope); ii. EW-S2 (extent of earthworks); iii. EW-S3 (vertical extent of earthworks); iv. EW-S4 (site reinstatement);

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	vi. EW-S6 (earthworks within the National Grid Yard); and vii. EW-S8 (electrical safety distances). d. No permanent structures must be constructed.			v. EW-S5 (control of silt and sediment); vi. EW-S6 (earthworks within the National Grid Yard); and vii. EW-S8 (electrical safety distances). d. No permanent structures must <u>shall</u> be constructed, <u>unless otherwise permitted by the plan.</u>
15.	TEMP-R3.2 Temporary Training Military Activities: Restricted discretionary Matters over which discretion is restricted: a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary event/activity. g. The size and position of buildings and structures.	Oppose	NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act. Controlled activity status provides certainty to NZDF that an activity can proceed and allows Council the control to ensure effects are appropriately managed. In determining what conditions to impose, Council should limit its control to effects relating to the permitted activity standards for TMTA (i.e. noise).	Amend the default activity status of Restricted Discretionary and replace with a Controlled Activity status where a TMTA does not comply with the permitted activity performance standards. Also, amend the matters of control as follows: a. The extent to which the activity impacts on amenity values of the surrounding area, including any noise generated. b. The extent to which buildings and structures can be mitigated by screening or other remedial measures. c. The effects on infrastructural services. d. The effects of traffic generated by the activity on the surrounding area and on the safety and efficiency of the road network. e. The provision of safe and efficient vehicular access and on-site parking to avoid, remedy or mitigate potential adverse traffic effects. f. The hours of operation, duration and frequency of the temporary <u>military training event/activity.</u> g. The size and position of buildings and structures.
16.	NH-R2 Any new building or alteration to an existing building within a Natural Hazard area – [...] <p>Fault Avoidance Area: Permitted</p> <p>Where the following conditions are met:</p> a. The building is a BIC 1 or 2a category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).	Support with amendment	The intent of this rule is appropriate in that it will ensure buildings in hazard areas are those that have a low vulnerability. However, currently it is not entirely clear what BIC category temporary buildings would be within. As any TMTA buildings are temporary and in place for less than 31 days (as required by permitted activity rule TEMP-R3) they represent a low vulnerability and therefore it should be explicit that they are classified as BIC 1 under NH-APP1 – Building Importance Categories (BIC).	Retain as table NH-APP1 – Building Importance Categories (BIC) as notified with the following amendment: BIC 1: [...] <p>Examples:</p> a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m ² or less. d. <u>Temporary buildings or structures associated with TMTA.</u>
17.	HAZS-R1 The storage, handling or use of hazardous substances (except Major Hazardous Facilities)	Neutral	Condition a. refers to compliance with relevant the standards of the underlying	Clarify what standards apply to the storage, handling or use of hazardous substances.

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	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. All relevant Standards in the underlying zone are complied with. b. The activity does not involve the use of explosives within 60m of any part of the Gas Transmission Network. 		<p>zone. The zone chapters do not contain standards for the storage, handling and use of hazardous substances. They refer back to the HAZS – Hazardous substances chapter. As such, its not clear what standards apply under rule HAZS-R1 (a).</p>	
18	<p>ASW-R1 Use of motorised craft on the surface of rivers and lakes On Horseshoe Lake or Lake Whatuma</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to engines that are less than 5 horsepower. 	Support with amendment	<p>It is possible that TMTA would include the use of small boats (e.g.rigid inflatable boats) on these lakes. These generally have motors greater than 5hp. Given any such activity will be temporary, TMTA should be excluded from this standard.</p>	<p>Retain rule as notified with the following amendment</p> <ul style="list-style-type: none"> a. Limited to engines that are less than 5 horsepower, <u>except for engines associated with temporary military training activities.</u>