

BEFORE THE DISTRICT PLAN HEARINGS PANEL

KAPITI COAST DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Review of the Kapiti Coast District Plan

STATEMENT OF EVIDENCE OF SARAH ANN BEVIN

ON BEHALF OF NEW ZEALAND DEFENCE FORCE

SUBMITTER 267

29 April 2016

INTRODUCTION

- 1 My full name is Sarah Ann Bevin. I am a Resource Management Planner at Tonkin & Taylor Limited, and have over ten years of planning experience both in New Zealand and the United Kingdom. I hold the qualification of Bachelor of Resource Studies from Lincoln University.
- 2 I am an associate of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 3 My experience spans most aspects of planning, with a particular emphasis on resource consenting under the Resource Management Act 1991 (RMA). I also have experience in the preparation of submissions on district and regional planning documents.

SCOPE OF EVIDENCE

- 4 I have been engaged by the New Zealand Defence Force (NZDF) to provide expert planning advice in relation to the Proposed Kapiti Coast District Plan.
- 5 I am familiar with to the Proposed Kapiti Coast District Plan to which these proceedings relate. I have read those parts of the relevant Section 42A Hearing Report (referred to as the 'Hearing Report') which relate to Temporary Military Training Activities (TMTA), in relation to NZDF's submission.
- 6 Mr Rob Owen has explained the background to NZDF's original submission and the nature of temporary military exercises. My evidence relies on this statement.
- 7 In summary, my evidence provides background to temporary military training activities and addresses the activity status for TMTA that do not comply with the permitted activity performance standards.

CODE OF CONDUCT

- 8 I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses set out in the Environment Court's Code of Practice Note 2014. I agree to comply with this Code. I confirm that the issues addressed in this statement of evidence are within my area of expertise and that I have not omitted to consider any material facts known to me that might alter or detract from my opinions expressed in this evidence.

INTRODUCTION TO TEMPORARY MILITARY TRAINING ACTIVITIES

- 9 NZDF undertakes TMTA both on land and within the Coastal Marine Area. Mr Owen has provided a description of the nature of land-based TMTA in his evidence. TMTA may be undertaken over a period of days or weeks, on an intermittent or continuous basis, during the day time, and occasionally, at night. In order to maintain capability for real-life situations, Mr Owen has explained the importance for training to be undertaken in a range of environments and locations, and not just at NZDF facilities. As a result, subject to landowner agreement these activities can be undertaken almost anywhere in the country.
- 10 There are a broad range of activities undertaken by NZDF on a day-to-day, regular, or intermittent basis which also fall within the definition of TMTA. While TMTA have some unique characteristics (most notably the noise effects of weapons firing and the use of explosives), the actual effects of many TMTA are likely to be similar to those of other more usual day-to-day activities. For example, these activities include search and rescue operations, medical and dental services, camp setup, small construction tasks, search exercises (in commercial or industrial buildings as well as outdoors), and physical training.
- 11 As Mr Owen has described, NZDF is undertaking a nationwide project to achieve consistency in TMTA provisions in District Plans across New Zealand, and has made a significant investment in this project to date. Aside from the operational difficulties created by variation in TMTA provisions nationwide, from a planning perspective I consider there to be little merit in each City or District having its own set of rules for TMTA. A nationally consistent approach, as promoted by NZDF, is also in line with the Government's desired reforms to the RMA that would introduce nationwide templates and strengthen national planning tools.

EXISTING PROVISIONS FOR TEMPORARY MILITARY TRAINING ACTIVITIES

- 12 The Operative Kapiti Coast District Plan provides for TMTA as permitted activities under Residential Zone Rule D1.1.1(xviii), Rural Zone Rule D.2.1.1(xix) Commercial/Retail Zone Rule D.3.1.1(i), Paraparaumu Town Centre Zone Rule D.4.1.1(xvii), Industrial/Service Zone Rule D.5.1.1(i), Open Space Zone Rule D.6.1.1(i), River Corridor Zone Rule D.7.1.1(xv), and Conservation Zone Rule D.8.1.1(xi). TMTA are not provided for within the Airport Zone or the Ngarara Zone.

- 13 Each of these zone rules contain performance standards for TMTA. While I have not copied the individual zone performance standards into my evidence, as an example, the Rural Zone performance standards under D.2.2.1 require TMTA to comply with the following standards –
- i The written consent of the land owner(s) has been obtained; and*
 - ii The activity does not require the construction of permanent structures; and*
 - iii The activity does not require excavation (permanent or mechanical) unless provided for in this Plan; and*
 - iv Flying activity is in compliance with Civil Aviation regulations or in agreement with the local controlling authority; and*
 - v The activity is limited to a period not exceeding 17 days.*
 - vi Noise from any temporary military training activity measured from a line 20 metres from and parallel to the facade of any residential dwelling, or the legal boundary where this is closer to the residential dwelling, shall not exceed the following limits:*

Time (Any day)	Limits (dBA)		
	L10	L95	Lmax
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Noise resulting from the use of explosives shall not exceed 122 dBC.

- 14 Rules D.1.1.2(iv), D.2.2.2, D.3.1.2(iv), D.4.1.2(v), D.5.1.2(v), D.6.1.2(vi), D.7.1.2(iv) and D.8.1.2(iii) provide for TMTA that cannot meet the permitted activity standards as a controlled activity, with control reserved to:

“the imposition of conditions for the avoidance, remediation or mitigation of any significant adverse effects.”

PROPOSED PROVISIONS FOR TEMPORARY MILITARY TRAINING ACTIVITIES

- 15 I understand that Council has retained provision for TMTA as a Permitted Activity under the General Districtwide provisions in Chapter 12 of the Proposed Plan. Rule 12D.1.7 specifically provides for TMTA, and exempts TMTA from complying with rules relating to other activities, being rules 12D.1.1 to 12D.1.6. I support

TMTA being included in a District wide Chapter, as I consider this makes the Plan more 'user-friendly'.

- 16 The Council has obtained advice from Neil Jepsen of Jepsen Acoustics and Electronics Ltd in relation to the noise provisions proposed by NZDF. Mr Jepsen agrees that where the setbacks are practical, noise will be managed acceptably. Mr Jepsen goes on to make other comments and suggestions, including a recommendation that Council consider adding a requirement for the reinstatement of land and for the demolition and removal of temporary structures. I consider this advice to be outside the scope of Mr Jepsen's expertise and should be disregarded. I note that Council has not imposed any permitted activity standards in regard to these matters in the Proposed Plan.
- 17 I note that NZDF's noise standards have been recommended for adoption in the Plan. These standards ensure that noise from TMTA is managed appropriately. I agree with the hearing report that the TMTA should be subject to noise standards that are suitable for these activities. I also agree with the officer that noise standards proposed by NZDF provide a realistic compliance standard for NZDF to work with.
- 18 I understand that proposed rule 12D.1.7 does not impose any other restriction on TMTA. The duration restriction included in the notified version of the Plan (which limited TMTA to a maximum period of 72 hours within any six month period) has been removed from the rule, as shown in the hearing report as tracked changes. I support this change.
- 19 NZDF would like to take this opportunity to make a minor edit to the noise standards condition c) that is requested in its submission, which applies to the Noise Management Plan required where weapons firing and/ or use of explosives cannot meet the minimum separation distances.
- 20 The minor amendment to condition c) is as follows (edits shown underlined and struckthrough):

~~The activity is undertaken in accordance with~~ "A Noise Management Plan prepared by a suitably qualified expert and approved by shall be submitted to the Council not less than 15 working days prior to the activity taking place commencement of the TMTA, setting out the methods by which noise will be managed. The Plan shall, as a minimum, contain..."

- 21 These proposed amendments are consistent with the wording of Rule 12B.1 regarding noise management plans for temporary events. I consider that these amendments are appropriate for NZDF activities, and will provide greater assurance to Council that the Plan contains the appropriate strategies for managing noise.

ACTIVITY STATUS FOR TEMPORARY MILITARY TRAINING ACTIVITIES

Permitted activity status

- 22 The TMTA provisions that NZDF is seeking to be included in District Plans around the country, including Kapiti Coast, provide for TMTA as a permitted activity in all zones subject to appropriate standards. I understand that this approach has been adopted in many districts throughout the country (for example: Horowhenua, South Waikato, Rotorua and Southland District Councils), and reflects the important nature of these activities, and enables NZDF to fulfil its obligations under the Defence Act 1990. I consider that recognising TMTAs as permitted activities in the Proposed District Plan, with appropriate effects-based controls, is consistent with approaches being employed across the country.
- 23 I support the inclusion of a rule in the Proposed Kapiti Coast District Plan to provide for TMTAs as a permitted activity throughout the District, subject to appropriate standards.

ACTIVITY STATUS WHEN THE PERMITTED STANDARDS ARE NOT MET

- 24 The Proposed District Plan imposes a discretionary activity status on any TMTA that does not meet the permitted activity standards. I consider that this discretionary status is overly onerous, and would adversely impact on NZDF's ability to plan its training exercises, and in turn, potentially meet its obligations under the Defence Act 1990.
- 25 The hearing report states that activities not meeting the permitted activity standards could have effects wider than noise, using traffic and structures as examples of these potential effects, therefore discretionary activity status is appropriate.
- 26 In my view, a discretionary activity status is only necessitated where the effects of an activity are so variable that it is not possible to prescribe standards to control them. TMTA are temporary in nature and often transient, with the activity moving

through different locations in an area. Often, the activities are similar to those undertaken by other agencies, including the fire service and search and rescue (LandSAR).

- 27 A controlled activity status is appropriate for activities that can be adequately managed through matters of control and conditions of consent. My opinion is that the noise effects of TMTA can be adequately controlled by appropriate standards and conditions. Such conditions could include, for example, restrictions on timing and location of the activity where they are for the purposes of controlling noise, and the requirement for noise attenuation such as acoustic screening.
- 28 Discretionary activity status allows consideration of all potential effects, which I consider to be unnecessary. While the larger scale TMTA have the potential to create effects that warrant control, these exercises generally follow a similar premise, and therefore the potential effects are able to be narrowed down, and it is these matters that require consideration in terms of potential effects. Therefore, I consider a discretionary activity status is not warranted.
- 29 NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act 1990. As such, I understand it requires a degree of certainty that training activities can take place where and when required. I believe a controlled activity status for TMTA that cannot meet the permitted standards would provide NZDF with this certainty, while allowing Council adequate control to ensure noise effects are appropriately managed.

CLASSIFICATION AND DEFINITION OF TMTA

- 30 The Operative District Plan contains separate definitions for temporary military training and temporary event. The Proposed Plan retains these separate definitions, though “*temporary event*” becomes “*temporary activity*” in the Proposed Plan. NZDF supports these separate definitions, as temporary military training is not the same as a temporary event.

CONCLUSION

- 31 TMTA undertaken by NZDF contribute to maintaining the nation’s security and ultimately provide for the well-being, health and safety of people and the community. I consider that the provisions of the proposed Kapiti Coast District

Plan, with the proposed amendments, will adequately provide for TMTA in the Kapiti Coast District.

- 32 In my opinion these amendments enable NZDF to meet its obligations under the Defence Act 1990 while giving effect to the objectives and policies of the Kapiti Coast District Plan and Part 2 of the Resource Management Act.



Sarah Bevin

29 April 2016

Attachment 1: NZDF's submissions

Submission on Proposed Kapiti Coast District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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Email: submissions@kapiticoast.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Emily Grace, Tonkin & Taylor Ltd

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C/- Tonkin & Taylor Ltd
PO Box 2083
Wellington 6140
Attention: Emily Grace

Phone: 04 381 8587
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Email: egrace@tonkin.co.nz

1 Preliminary Matters:

- 1.1 This is a submission on the Proposed Kapiti Coast District Plan.
- 1.2 New Zealand Defence Force (NZDF) could not gain an advantage in trade competition through this submission.
- 1.3 This submission relates to provisions in the proposed Plan affecting Temporary Military Training Activities undertaken by NZDF. In particular, this includes (but is not limited to) Chapters 1, 9 and 12 of the Proposed Plan. Details are provided on the attached sheet.

2 NZDF Submission

- 2.1 NZDF's submission, and support of or opposition to each matter addressed, is detailed on the attached sheet.

3 Decisions Sought from Council

- 3.1 The decisions sought from Council on each of the matters raised in the submission are detailed on the attached sheet.

4 Hearing

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

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



Person authorised to sign
on behalf of New Zealand Defence Force

28 February 2013

New Zealand Defence Force Submission on Proposed Kapiti Coast District Plan

Submission Point 1

Plan Provision: Chapter 1, definition of ‘Temporary Military Training’.

NZDF supports this provision.

Relief Sought: Retain the definition of ‘Temporary Military Training’.

Reasons: The definition clearly defines Temporary Military Training and appropriately includes reference to the Defence Act 1990.

Submission Point 2

Plan Provision: Chapter 1, definition of ‘Temporary Event’.

NZDF supports this provision.

Relief Sought: Retain the definition of ‘Temporary Event’.

Reasons: The definition clearly defines Temporary Events to be for ‘general public admission’ and therefore excludes Temporary Military Training Activities from the definition, avoiding any potential conflict in the rules relating to each activity.

Submission Point 3

Plan Provision: Chapter 9, Hazards, exemption of Temporary Military Training Activities from the requirements of the Hazardous Facility Screening Procedure.

NZDF supports this provision.

Relief Sought: Retain the exemption of Temporary Military Training Activities from the requirements of the Hazardous Facility Screening Procedure.

Reasons: This provision correctly defers management of hazardous substances associated with Temporary Military Training Activities to the appropriate regulations, and therefore avoids unnecessary overlap between the District Plan and those regulations.

Submission Point 4

Plan Provision: Chapter 12, General District-Wide Provisions, Rule 12D.1.7 Temporary Military Training Activities.

NZDF supports this provision in part.

Relief Sought:

(a) Retain the classification of Temporary Military Training Activities as Permitted Activities, subject to noise controls.

(b) Add exemption of Rule 12D.1.6 to Standard 1 of Rule 12D.1.7.

(c) Remove the 72 hour per six month noise limit exemption duration from Standard 1 of Rule 12D.1.7 and replace with updated standards for noise from Temporary Military Training Activities. Attachment 1 to this submission contains the replacement standards that NZDF wishes to be included in Standard 1 of Rule 12D.1.7.

To summarise, Standard 1 of Rule 12D.1.7 would state:

“Temporary Military Training Activities carried out on any site shall be exempt from complying with Rules 12D.1.1 – 12D.1.6. Instead, the noise standards below shall apply:

(see Attachment 1)”.

Reasons:

(a) NZDF considers that Temporary Military Training Activities can be carried out as permitted activities, with noise effects being controlled through the use of appropriate conditions. NZDF considers that noise is the only effect with the potential to be more than minor, and therefore the only effect that needs to be controlled by performance standards. NZDF does not consider it necessary to include a duration standard, other than the term ‘temporary’, as the noise standards proposed will ensure that noise effects are reasonable, no matter what the duration of the activity is.

(b) NZDF notes that there is ambiguity in the term *“provided that the activities do not exceed a period of 72 hours within any six month period”* used in Standard 1 of Rule 12D.1.7. It is not clear whether this provides for one event of not more than 72 hours within a six month period, or more than one event within a six month period, provided the cumulative hours do not exceed 72. The relief sought by NZDF to remove the 72 hour duration limit will address this issue.

(c) NZDF considers that the zone specific noise standards are not appropriate to apply to Temporary Military Training Activities, including those that apply in the Airport Zone. Rather, noise standards specific to Temporary Military Training Activities are more appropriate (further discussed in the paragraphs below).

(d) NZDF acknowledges that noise effects from temporary military training activities need to be appropriately controlled within the District Plan. NZDF wishes to make sure that the noise standards included in the Proposed Plan 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 standards to control noise effects from Temporary Military Training Activities. This advice is contained in Attachment 2 to this submission. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed district plans nation-wide.

In summary, the revised standards divide noise sources from Temporary Military Training Activities into three categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; and fixed noise sources such as power generators and water pumping. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. The division allows a more comprehensive and appropriate method for controlling noise from Temporary Military Training Activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes. Four separation distances are specified – a night time and daytime distance for firing of live ammunition and explosives, and a night time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances 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 distance will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

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

For fixed noise sources, which can be located to ensure compliance with standards, dB L_{Aeq} 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.

Submission Point 5

Plan Provision: Rule 12D.4.1, Discretionary Activity Rule for Temporary Military Training Activities that do not comply with the Permitted Activity Standards.

NZDF opposes this provision.

Relief Sought: Temporary Military Training Activities that do not comply with the Permitted Activity Standards to be Controlled Activities, with 'noise effects' being included as a matter for control.

Reasons: The Operative Plan includes a controlled activity rule for Temporary Military Training Activities that do not comply with the Permitted Activity Standards. There appears to be no justification for changing to a discretionary activity rule. We consider controlled activity status to be appropriate, especially if noise is specified as a matter for control.

Attachment 1: Replacement standards for controlling noise effects from Temporary Military Training Activities

Rule 12D.1.7: Permitted Activity Standard 1 for Temporary Military Training Activities

1. Temporary Military Training Activities carried out on any site shall be exempt from complying with Rules D12.1.1 – D12.1.6. Instead, the noise standards below shall apply:

Type of military noise source	Noise Standards		
	Time (Monday to Sunday)	Separation distance required to any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes	
1. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
	1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
2. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
	1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with

	<p>Conditions to be complied with if minimum separation distances for sources (1) and (2) cannot be met:</p> <p>(a) Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(b) Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any dwelling, residentially zoned site, building used for residential, educational or health care purposes.</p> <p>(c) The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.
<p>3. Mobile noise sources, excluding sources (1) and (2)</p>	<p>Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i>, with reference to ‘construction noise’ taken to refer to other, mobile noise sources*</p>
<p>Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment</p>	

4. Fixed (stationary) noise sources, excluding sources (1) and (2)	Time (Monday to Sunday)	Noise level at the 20 metre notional boundary of any dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes*	
	0700 to 1900 hours	55 dB LAeq (15 min)	n.a.
	1900 to 2200 hours	50 dB LAeq (15 min)	
	2200 to 0700 hours the next day	45 dB LAeq (15 min)	75 dB LAFmax
Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.			
5. Helicopter landing areas	Compliance with noise limits set out in <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> .*		

*Noise measurements shall be in accordance with *NZS6801:2008 Acoustics – Measurement of Sound*

Attachment 2: Acoustic Report

Not included in evidence for
brevity reasons.

Can be provided on request.

Comment on Submitter Engagement Version of Kapiti Coast District Plan: Review

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Attention: PDP Administrator

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Introduction

Thank you for the invitation to comment on the Submitter Engagement Version (SEV) of the proposed Kapiti Coast District Plan (pKCDP). NZDF has taken this opportunity to outline key matters of importance that it requests are included in the pKCDP.

NZDF does not currently have any facilities in the Kapiti Coast District, but may undertake Temporary Military Training Activities (TMTA) here from time to time. This letter provides some background to TMTA, outlines the provisions that NZDF requests are included for TMTA in District Plans, and comments on the TMTA provisions in the operative Kapiti Coast District Plan (KCDP).

Comment on the Operative Kapiti Coast District Plan

The operative KCDP provides for TMTA as permitted activities in every zone, provided the various noise and other standards listed are complied with. Any TMTA activity that does not comply with the standards requires resource consent as a controlled activity.

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 exercise, 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 etc. They may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

Due to the broad nature of TMTA, they can be undertaken in any zone within a district, and NZDF seeks TMTA provisions to be included in all zones in a District Plan, either in a general chapter or on a zone-by-zone basis (depending on the structure of the plan). As activities are uniquely military in nature, it is appropriate to have specific TMTA provisions to address their effects.

As a result, NZDF has commissioned professional acoustic advice from Malcolm Hunt and has developed a set of noise standards specific to TMTA to replace those currently included in district plans. For weapons firing and explosives, the TMTA noise provisions work by using separation distances from sensitive receivers. Other activities have specified noise limits. All are on the premise that if the setbacks or noise limits cannot be met for an activity at a particular location, then the activity will not be undertaken there (or consent would be sought). Since the project started more than 2 years ago, there has been 100% uptake of these provisions by councils (either in decisions or after appeal and mediation of decisions).

The full Acoustic Assessment Report was previously provided with NZDF's earlier submission.

Requested provisions for temporary military training activities

Definitions

NZDF requests the definition for temporary military training activities in the pKCDP (SEV) be amended, as follows:

“Temporary Military Training Activity means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990”. Access to an area used for such training purposes may be restricted for the duration of that exercise”.

This definition is consistent with the definition included in many other district plans nationwide.

In addition, the definition of temporary event clearly states temporary events are those for ‘general public admission’ and therefore excludes TMTA, avoiding any potential conflicts in the rules relating to each activity.

Activity status

It is appropriate that TMTAs are provided for as a permitted activity, subject to specific and appropriate standards.

The pKCDP (SEV) provides for TMTA that do not meet the permitted activity standards as discretionary activity under Rule 12D.4.1. NZDF considers this

inappropriate and requests that TMTAs that do not meet the permitted activity standards are provided for as a controlled activity.

The operative plan includes a controlled activity rule for TMTA that do not comply with the permitted activity standards. There appears to be no justification for changing to a discretionary activity rule.

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 only.

Permitted activity standards

NZDF is pleased to note that the requested noise standards have been incorporated into the pKCDP (SEV). Due to the temporary and specialised nature of TMTA, NZDF considers that noise is the only permitted standard required to address the effects of TMTA.

Other rules and standards in the District Plan

Due to the temporary and specialised nature of TMTAs, NZDF considers that it is appropriate that TMTA be exempt from the rules in other chapters of the District Plan such as transportation. It is however appropriate for TMTA to be subject to earthworks rules, and for any permanent structures (i.e. structures that remain at the completion of the TMTA) to be subject to structures rules. NZDF requests that this is clearly noted in the relevant parts of the District Plan through cross-referencing.

Conclusion

Thank you again for the opportunity to comment on the pKCDP (SEV). If you have any questions in relation to the above, please do not hesitate to contact me to discuss.

Yours faithfully

Sara McMillan

Consultant Planner for NZDF

30 September 2015

Attachment 2: TMTA noise standards (updated)

Replacement standards for controlling noise effects from Temporary Military Training Activities

Permitted Activity Noise Standards for Temporary Military Training Activities

Rule x.x: Temporary Military Training Activities are permitted activities, provided they comply with the noise standards specified in the table below.

Type of military noise source	Standards			
1. Weapons firing and/or the use of explosives	a. Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; whether the activity will comply with the separation distances or the noise levels; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.			
	b. Compliance with the noise standards below:			
		Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity	
	i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
		1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
	ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
1900 to 0700 hours		At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with	

Type of military noise source	Standards		
	Conditions to be complied with if minimum separation distances for sources 1(b)(i) and 1(b)(ii) cannot be met:		
	Condition	Time (Monday to Sunday)	Noise level within the notional boundary to any building housing a noise sensitive activity
	(a)	0700-1900hrs	Peak sound pressure level of 120 dBC
	(b)	1900-0700hrs	Peak sound pressure level of 90 dBC
	(c)	<p>A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council. 	

Type of military noise source	Standards		
2. Mobile noise sources, excluding sources 1(b)(i) and 1(b)(ii)	Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i> , with reference to 'construction noise' taken to refer to other, mobile noise sources*		
Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment			
3. Fixed (stationary) noise sources, excluding sources 1(i) and 1(ii)	Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity *	
	0700 to 1900 hours	55 dB L _{Aeq} (15 min)	n.a.
	1900 to 2200 hours	50 dB L _{Aeq} (15 min)	
	2200 to 0700 hours the next day	45 dB L _{Aeq} (15 min)	75 dB L _{AFmax}
Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.			
4. Helicopter landing areas	Compliance with <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</i> *		

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