

## Submission on Proposed Opotiki District Plan

*Clause 6 of First Schedule, Resource Management Act 1991*

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### Preliminary Matters

A detailed submission is attached.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. While NZDF does not currently have facilities within the Opotiki District, this does not preclude the potential for NZDF to need facilities in this district at some point in the future. NZDF may also undertake temporary military training activities (TMTA) in the Opotiki district.

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.



Person authorised to sign  
on behalf of New Zealand Defence Force

Date

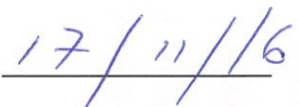


Table 1: NZDF submission points

| Ref | Provision  | Support/<br>Oppose | Reasons  | Relief Sought  |
|-----|--|--------------------|--|--|
| 1   | Definition of Temporary Military Training Activities                             | Support<br>in part | <p>Providing a separate definition for temporary military training activities (TMTA) identifies these activities as separate from other temporary activities, which is appropriate.</p> <p>NZDF requests that the definition of TMTA in the Plan is consistent with the definition requested in many other district plans nationwide.</p> <p>The definition for “regionally significant infrastructure” does not include defence facilities in the list.</p> <p>Although NZDF does not currently have facilities in the Opotiki district, this does not preclude the need for future defence infrastructure in the region. Defence facilities are critical for New Zealand’s security and for the safety and well-being of the community. As such, they should be identified as regionally significant infrastructure.</p> <p>The proposed definition is considered appropriate.</p> | Amend definition of temporary military training activities to state: <i>“A temporary military activity undertaken for defence purposes, as described in the Defence Act 1990.”</i>   |
| 2   | Definition of Regionally Significant Infrastructure                              | Oppose             | <p>Reverse sensitivity is an important issue for NZDF and the recognition of reverse sensitivity in the District Plan is appropriate, including in relation to rural areas, and subdivision development.</p> <p>While TMTA are provided for through rules, this is not supported in the Plan’s policy framework. It is essential that TMTA are provided for in the policy framework as this ensures the Plan is consistent with the RMA which requires a ‘cascade’ of provisions from objectives, to policies and then rules which implement the relevant policies (Section 75).</p>   | Amend the definition for regionally significant infrastructure to include <i>“nationally and regionally activities”</i> .  |
| 3   | Definition of Reverse Sensitivity  | Support            |  | Retain definition as currently drafted.  |
| 4   | Recognition of reverse sensitivity in policy framework                           | Oppose             |  | Retain issues, objectives and policies on reverse sensitivity.   |
| 5   | Objectives and Policies for temporary military training activities in all zones. | Oppose             |  | <p>Insert objectives and policies in the Plan to support TMTA.</p> <p>Some suggested wording is provided below:</p> <p><i>“Objective: Temporary Military Training Activities are provided for to meet the needs of the New Zealand Defence Force.</i></p> <p><i>Policy: To enable temporary military</i></p> |

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|-----|--|--------------------|---|--|
|     |  |                    |   | <i>training to be undertaken within the District."</i>   |
| 6   | Permitted Activity Rules for TMTA:<br>Residential Zone Rule 2.3.2.1.8;<br>Town Centre Zone Rule 3.3.2.1.13;<br>Mixed Activity Zone Rule 4.3.2.1.10;<br>Marine Services Zone Rule 5.3.2.1.7;<br>Industrial Zone Rule 6.3.2.1.10;<br>Rural Zone Rule 8.3.1.1.13;<br>Coastal Zone Rule 9.3.2.1.12;<br>Coastal Settlement Zone Rule 10.3.1.1.10 and<br>Ohiwa Harbour Zone Rule 11.3.2.1.13 | Support<br>in part | <p>It is appropriate that TMTA are provided for as a permitted activity in all zones, subject to appropriate noise standards which are listed in Appendix 3. NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act. Including provision for TMTA as permitted activities provides certainty that such activities can take place when required.</p> <p>While NZDF prefers TMTA be included in a Plan's 'General' or 'District-Wide' provisions chapter (or similar) as this removes duplication of the provisions, NZDF recognises that the layout of the Proposed Opotiki District Plan is in general based on Zone chapters, with no 'General' provisions chapter. Therefore NZDF submission points refer to each and every TMTA rule throughout the Plan.</p> | <p>Retain permitted activity rule for TMTA, and include a statement to clarify that the other zone standards do not apply to TMTA (note: this appears to be the intent of the provisions but is not entirely clear in the rule framework). We suggest amending the introduction to the zone standards in each chapter (section 8.6 in the Rural Zone for example) to state – <i>"For clarity, the zone standards shall not apply to temporary military training activities."</i></p> |
| 7   | Chapter 7 Harbour Industrial Zone<br>Chapter 12 Surface Water Activities<br>Chapter 13 Landscapes and Habitats<br>Chapter 14 Heritage<br>Chapter 18 Natural Hazards  | Oppose             | <p>It is appropriate that TMTA are provided for across all zones in the District. TMTA can involve numerous activities including classroom activities, marine and water based activities, activities in vegetated areas, activities in and involving buildings including heritage buildings, and in area subject to natural hazards.</p> <p>It is important that the broad range of TMTA are provided for in District Plans, to ensure that NZDF is able to fulfil its obligations under the Defence Act 1990.</p>  | <p>Provide for TMTA as a permitted activity in these chapters.</p>   |
| 8   | Residential Zone Controlled Activity<br>Rule 2.3.3.1.5   | Oppose             | <p>This rule as currently written refers to a Zone Standard relating to lighting and glare, which appears to be a circular error in Plan references, as rule 2.3.3.1 states that activities must comply with the Zone Standards in Section 2.6, and the lighting and glare standard is one of these Zone Standards. NZDF does not consider it appropriate that TMTA are subject to this requirement.</p>  | <p>Delete rule.</p>  |

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|-----|---|--------------------|--|--|
| 9   | <p>Non-complying Activity Rules including:<br/> Residential Zone Rule 2.3.6.1;<br/> Town Centre Zone Rule 3.3.6.1;<br/> Mixed Activity Zone Rule 4.3.6.1;<br/> Marine Services Zone Rule 6.3.6.1;<br/> Industrial Zone Rule 6.3.6.1;<br/> Harbour Industrial Zone Rule 7.3.5.1;<br/> Rural Zone Rule 8.3.5.1.2;<br/> Coastal Zone Rule 9.3.6.1;<br/> Coastal Settlement Zone Rule 10.3.5.1; and<br/> Ohiwa Harbour Zone Rule 11.3.6.1</p> | Oppose             | <p>NZDF requests that TMTAs that do not meet the permitted activity noise standards requested by NZDF are provided for as controlled activities in each zone.<br/> NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act 1990.<br/> Controlled activity status provides a level of certainty to NZDF that an activity can proceed, and allows Council the discretion to ensure effects are appropriately managed.<br/> In determining what conditions to impose, Council should limit its control to effects relating to the permitted activity noise standards only.</p>  | Provide for TMTA that do not comply with the noise standards as controlled activities in each Zone.    |
| 10  | <p>Appendix 3 – Noise Controls – type of military noise</p>   | Support in part    | <p>As TMTA are uniquely military in nature, it is appropriate to have specific TMTA provisions to address their effects. NZDF has commissioned professional acoustic advice from Malcolm Hunt and developed bespoke noise standards based on this advice, for inclusion in district plans.<br/> NZDF is pleased to see that its bespoke noise standards have been incorporated in the proposed Plan.<br/> However NZDF has recently reviewed the breadth of weapons relevant to these provisions, and has removed Howitzers (which are the noisiest component) from the TMTA noise assessment as these are not used in TMTA and therefore the noise standards do not need to provide for them. As a result, the setback distances and noise levels have been lowered. These updated standards are attached to this submission as Appendix A.</p> | Update Appendix 3 to reflect the updated suite of standards attached as Appendix A to this submission. |

## Attachment A: 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 <sub>Aeq</sub> (15 min) | L <sub>AFmax</sub> |
|---------------------------------|---------------------------|--------------------|
| 0700 to 1900 hours              | 55 dB                     | n.a.               |
| 1900 to 2200 hours              | 50 dB                     | n.a.               |
| 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 B: 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 standards to control noise effects from Temporary Military Training Activities. 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 Temporary Military Training Activities 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 Temporary Military Training Activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Four separation distances are specified – a nighttime and daytime distance for firing of live ammunition and explosives, and a nighttime 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 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 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.

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.

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.