

BEFORE THE HEARINGS PANEL

WAIMAKARIRI PROPOSED DISTRICT PLAN

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Of the Waimakariri Proposed District Plan: Hearing Stream
Five (General District Wide Matters - NOISE)

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

SUBMITTER 166

7 August 2023

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 that role since 2016. I manage and engage in Resource Management Act 1991 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 and further submission on the Waimakariri Proposed District Plan (Proposed Plan) having directed consultants in the preparation of those. I confirm that I have the authority to provide evidence in relation to the matters set out below on behalf of NZDF.
- 4 My statement of evidence focuses on Temporary Military Training Activities (TMTA). The technical noise-related elements of TMTA are addressed in the evidence of Mr Humpheson. I rely on his evidence in this regard.

SUMMARY OF STATEMENT

- 5 Temporary Military Training Activities (TMTA) are essential activities with local and national benefits, and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 6 Noise resulting from discharge of ammunition or explosives is the only unique effect of temporary military training activities that warrants specific management through the Proposed Plan.

- 7 To provide for essential 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.
- 8 NZDF has obtained specialist 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 Plan.

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, and for ensuring that NZDF is a combat-capable force, trained, equipped, and ready to respond every hour of the day, every day of the year.
- 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 to maintaining capability, preparedness and readiness, so that NZDF is ready and able to respond to a wide range of national and international situations. Recent responses have included 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, the White Island eruption and flooding in the South Island, and more recently the Cyclone Gabrielle response. It is therefore in the national and wider community's interests that TMTA can occur without undue restriction.

- 11 The ability to undertake TMTA has become even more important as NZDF's training opportunities were significantly reduced by Covid-19 restrictions and Operation Protect (being the single largest commitment of personnel made to a response in more than 50 years, with 6,200 personnel involved). The NZ Army is now in a period of regeneration in which the focus is on having an Army that is better trained and prepared to meet complex security challenges in an increasingly competitive and contested global environment.
- 12 Training activities are undertaken and practiced "off-base" for a variety of reasons, the most important being 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 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.
- 13 In order for NZDF to maintain operational preparedness and readiness, and ability to deploy, it needs to be able to undertake training in a range of environments, including urban and rural. 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.
- 14 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 assessed. Some larger-scale exercises cross district boundaries, so consistency is very important from an exercise planning and risk mitigation perspective.

Nature of Temporary Military Training Activities

15 Waimakariri District is an area where NZDF may need to undertake TMTA as part of personnel training. The district is strategically located immediately to the north of Christchurch City and close to the Burnham Military Camp and West Melton Rifle Range, both of which are significant Defence facilities.

16 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) and logistics 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.

- 17 As an 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 their deployable facilities in locations remote from their 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.
- 18 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.
- 19 Live and blank firing activities form part of some TMTA, but occur much less frequently than other essential, but more mundane, activities such as those identified above, and are only carried out subject to very stringent and site-specific safety controls. NZDF's approach to managing noise effects of weapons firing uses the noise characteristics of the 'noisiest' equipment, being mortars. The L119 Light Gun (105 mm M1 Howitzer) which NZDF's previous (larger) setback distances were modelled on is no longer used for TMTA. Therefore, as outlined in Mr Humpelson's evidence, it is appropriate to apply the revised (reduced) setback distances.
- 20 Management of noise from live and blank firing is included as part of a standard rule that NZDF is seeking be used consistently in District Plans throughout the country.

Scale of Temporary Military Training Activities

- 21 Off-base TMTA are most commonly 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.

- 22 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 and amphibious operations at a port, 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 or blank firing might be conducted. A “forward operating base” at which personnel and equipment are accommodated and mobilise to and from might be established in one location for the duration of the exercise. However, these larger-scale exercises occur relatively infrequently – for example, NZDF’s biggest training exercise, Exercise Southern Katipo, occurs once every few years.

NOISE MANAGEMENT

- 23 NZDF acknowledges that noise effects from Temporary Military Training Activities need to be appropriately controlled within the Proposed Plan. 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 Proposed 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.
- 24 To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from TMTA. Mr Humpheson’s evidence sets out the technical basis for the noise provisions sought 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.
- 25 In summary, NZDF’s 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.
- 26 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 decided there was no need for any controls at all on noise from military training activities. Queenstown Lakes District Council also took this view.
- 27 The effect of NZDF's proposed planning approach is that for assessment of compliance, the District's compliance officer would simply have to measure the distance between the site of the activity and the site in relation to which the 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.
- 28 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. 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. A further advantage to the setbacks is that weather conditions do not need to meet the prescribed standards for undertaking noise measurements.
- 29 It is standard practice for NZDF 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. In my experience this is a very important component of noise management.

RESPONSE TO SECTION 42A REPORT

- 30 NZDF supports the addition of Temporary Military Training Activities to Policy Noise-P2¹ as recommended at Section 3.10.3 of the Section 42A Report. This recognises the importance of TMTA as I have outlined above, and reflects their temporary nature and limited duration. It also gives effect to the National Planning Standards which contains a specific definition of TMTA as distinct from Temporary Activities.
- 31 NZDF does not support the recommendations in Section 3.11.2 of the Section 42A Report relating to Rule Noise-R2². For the reasons I have set out above, I consider that the standards proposed by NZDF are preferable in that they have been developed to specifically manage TMTA and protect the character and amenity values of the receiving environment, and are simple and straightforward to implement. This is supported by the technical evidence of Mr Humpheson. The proposed standards also better implement the policy framework which seeks to '*enable specific noise generating activities of limited duration...*' and reflect the nationally consistent approach which NZDF is promoting through District Plan review processes.
- 32 The Section 42A Report recommends a 10 working day notice period to Council as a permitted activity standard rather than the 5 working days proposed by NZDF to enable Council to respond and/or have any effective control over an event with such a short timeframe. In my experience, a 5 working day period is adequate to give notice to a Council that a TMTA involving weapons firing and/or the use of explosives is to occur. Consistent with permitted activity status, there is no particular response or control otherwise required or expected of Council.

¹ Submission point 166.17.

² Submission point 166.18.

- 33 Notwithstanding, a 10-day notice period prior to a permitted activity TMTA involving weapons firing and/or the use of explosives is accepted by NZDF, but is not warranted for other TMTA.
- 34 The Section 42A Report recommends NZDF's submission point (166.21) on the matters of discretion NOISE-MD be accepted. The requirement to demonstrate compliance with noise standards does not need to be a matter of discretion where a resource consent is required. NZDF therefore supports the deletion of NOISE-MD1(10).
- 35 In terms of the other matters of control or discretion, these are overly extensive and unnecessary to manage the effects of TMTA. As set out in its submission and above, NZDF considers that these should be limited to effects relating to the non-compliance with the permitted activity noise standards for TMTA i.e. noise and duration. This is appropriate considering TMTA are typically small to medium in scale, as indicated by the types of activities previously identified, and takes into account their temporary nature.

CONCLUSION

- 36 Temporary military training activities are essential, have local and national benefits, and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 37 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".
- 38 The NZDF is not pre-empting a change in the nature or quantity of training likely to be conducted in the Waimakariri District. Rather, NZDF is 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.

- 39 Noise resulting from discharge of ammunition or explosives is the only unique effect of temporary military training activities that warrants specific management through the Proposed Plan. However, live and blank firing activities occur less frequently than other essential, but rather more mundane, training activities.
- 40 NZDF has obtained specialist advice and has developed modern, effective and efficient controls for that noise which ensure amenity is appropriately protected. Those controls have been adopted by several District Councils in the review of their District Plans and are proposed for adoption in the Proposed Plan.

Rebecca Davies

7 August 2023

