

10 April 2024

Waimakariri District Council

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Attention: Hearings Panel, Hearing Stream 11 – Temporary Activities

## HEARING ON PROPOSED WAIMAKARIRI DISTRICT PLAN

### HEARING STREAM 11 – TEMPORARY ACTIVITIES

Thank you for the notice of hearing to be held on 15 April 2024. New Zealand Defence Force (NZDF) (submitter 166) has reviewed the s42A Report for Temporary Activities and determined that it will not attend this hearing but requests that this letter be tabled with the Hearings Panel.

NZDF supports a number of the recommendations set out in the s42A Report on NZDF's submission points, but in some instances NZDF requests the Hearings Panel consider alternative wording. This is set out below and follows the headings used in the s42A Report.

#### 1. Definition of Temporary Activity

NZDF (submission point 166.7) sought that the definition for temporary activities specifically excludes temporary military training activities (TMTA). The s42A Report recommendation is to amend the definition of temporary activity to clarify that it includes "other activities of a temporary nature and character" which would capture TMTA. NZDF does not oppose this as such, but considers that this amendment does not address NZDF's concern noted in its submission that there should be greater clarity around the application of noise rules for temporary events versus TMTA. As the s42A Report notes, Rule TEMP-R9 has an explicit statement that "This rule does not apply to temporary activities provided for under TEMP-R1 to TEMP-R8". However, Rule NOISE-R9 does not contain a similar exclusion so it could be made clearer that it does not apply (Rule NOISE-R2 applies to TMTA). NZDF requests that this is addressed by inserting an exclusion into NOISE-R9 as follows:

NOISE-R9 Temporary activities

*This rule does not apply to temporary military training activities*

#### 2. Objectives

NZDF (submission point 166.22) sought a new objective for TMTA. NZDF accepts the recommendation of the reporting planner in the s42A Report that, provided TMTA are clearly

included within the definition of temporary activity, an additional new objective is not necessary and that TMTA will find support from the existing objective regarding temporary activities.

### 3. Policy TEMP-P3 – Temporary structures

NZDF (submission point 166.24) sought the amendment of TEMP-P3 to reference temporary structures associated with TMTA. NZDF accepts the reporting planner’s recommendation in the s42A Report that this can appropriately be incorporated into new Policy TEMP-P6.

### 4. New Temporary Military Training Activity Policy

NZDF (submission point 166.23) sought a new policy be included specific to TMTA. The s42A Report recommends a new policy be included but with alternative wording to that sought by NZDF. The recommended policy has been worded to align with the matters that are managed by the permitted activity rule TEMP-R5, but in referencing limiting location it is inconsistent with the amended Rule TEMP-R5 standards as recommended by the reporting officer (which address duration and site restoration only). Further, the policy could be improved to provide more useful direction in the event a resource consent application is required for an activity. NZDF requests the following revised wording:

#### *TEMP-P6 Temporary military training activity*

*Enable temporary military training ~~activity~~ activities and associated temporary structures ~~and earthworks where potential adverse effects on amenity values and sensitive environments are remedied or mitigated by limiting their duration and location and requiring restoration of the site.~~ where they avoid, remedy or mitigate any adverse effects on the amenity values of the site and the surrounding area.*

### 5. Rule TEMP-R5 – Temporary military training activity

NZDF (submission point 166.25) sought a number of changes to Rule TEMP-R5. These are broken down into the different aspects as per the s42A Report and addressed below.

#### 5.1 Amendment to rule heading

NZDF sought to amend the heading of TEMP-R5 to include reference to associated buildings and structures. NZDF supports the s42A Report recommendation to add the wording “(including ancillary buildings and structures)” but considers the addition of “emergency service training activity” would be clearer outside the brackets i.e.

*“TEMP-R5 Temporary military training activity (including ancillary buildings and structures) and emergency service training activity”.*

#### 5.2 Amendment to maximum duration

NZDF sought to include set up and pack down time in addition to the duration of the activity. The s42A Report recommends excluding set-up and pack down time from the activity duration (of up to one week prior and one week following the activity). NZDF supports this wording.

NZDF also sought to delete the reference in TEMP-R5(1) to “at any one site”. Having considered the s42A Report, NZDF agrees with the reporting planner’s interpretation. NZDF therefore supports the reporting planner’s recommended wording of TEMP-R5(1).

### 5.3 Location in any SNA

NZDF sought to delete standard TEMP-R5(2) restricting TMTA occurring in a Significant Natural Area (SNA). The s42A Report recommends deleting the standard and NZDF supports this recommendation.

### 5.4 Site restoration

NZDF sought to delete standard TEMP-R5(3) relating to site restoration. The s42A Report recommends retaining the standard and refers to the potential for adverse amenity effects, including effects on unique flora and fauna.

NZDF would prefer the full deletion of the standard, but if it is retained NZDF considers it should be reworded to provide clearer wording than the current requirement to restore to “the same condition”. The examples given in the s42A Report relate to replanting, which would not be established to “the same condition” within 7 days. Given the other district wide rules apply, including earthworks and vegetation rules<sup>1</sup>, NZDF considers that Rule TEMP-R5 should focus on the effects of the TMTA itself. If earthworks or vegetation removal or structures are permitted activities in the zone and other district wide chapters, the standard should not require restoration to the same condition if that altered condition is a permitted activity.

NZDF requests the deletion of TEMP-R5(3), but if it is retained, requests the following revised wording:

*~~The site is restored to the same condition as prior to the temporary activity within seven days of that activity ceasing. All structures and waste are removed from the site within seven days following completion of the activity, unless the structure and its use are permitted in the zone in which it is located.~~*

### 5.5 Activity status

NZDF sought to change the activity status for non-compliance with standards to controlled. The s42A Report recommends retaining the restricted discretionary activity status. If the standard is retained (and revised as outlined above), NZDF considers the restricted discretionary activity status is appropriate provided the matters of discretion are refined (refer below).

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<sup>1</sup> The Introduction lists other potentially relevant District Plan provisions as including “any other District wide matter than may affect or relate to the site”.

## 5.6 Matters of control or discretion

NZDF sought the deletion of matters of control or discretion TEMP-MD2 Transport, TEMP-MD3 Site alteration, disturbance and remediation, and TEMP-MD4 Public safety and security as it considers matters should be restricted to character and amenity values only. The s42A Report recommends retaining all four matters. Given the reasons for which consent would be triggered under this rule (non-compliance with duration or site restoration standard) NZDF is of the view that these matters are unnecessarily extensive and should be limited to effects relating to the non-compliance with the permitted activity standards.

TEMP-MD3 in particular relates to matters addressed in provisions in other district wide chapters (in particular the EW - Earthworks chapter). NZDF considers this is unnecessary duplication and reference to TEMP-MD3 should be deleted in Rule TEMP-R5. The example provided in the s42A Report of what may need to be considered under a restricted discretionary activity consent application is an ecological report. NZDF considers that, given the application of the other district wide chapters to TMTA, ecological effects are addressed elsewhere, through rules relating to earthworks and vegetation modification and should not be a relevant consideration of a consent application for infringing the site restoration standard<sup>2</sup>.

NZDF has its own strict safety protocols and procedures to ensure public safety at all times and does not consider TEMP-MD4 is necessary.

## 6. Concluding statement

NZDF requests this letter be submitted to the Hearings Panel. If the Hearings Panel consider it useful for NZDF to appear before the Panel to explain or answer any questions on the matters above, it would be happy to do so. Please do not hesitate to contact the writer on 021 445 482 should you wish to clarify any matters addressed above.

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<sup>2</sup> As previously noted, the Introduction lists other potentially relevant District Plan provisions as including “any other District wide matter than may affect or relate to the site”.