

25 June 2024

Waitomo District Council  
C/- Kayla Hemara  
Hearings Administrator  
Via email: [kayla.hemara@waitomo.govt.nz](mailto:kayla.hemara@waitomo.govt.nz)

## **Attention: Hearings Panel**

### **Proposed Waitomo District Plan (Hearing for Tranche 1 Hearing Topics)**

The New Zealand Defence Force (NZDF) refers to the hearing on the proposed Waitomo District Plan (proposed Plan) for the topics of Natural Hazards, Activities on the Surface of Water, Noise and Temporary Activities, scheduled to commence 16 July 2024.

NZDF (submitter 21) supports the majority of the recommendations in the section 42A Report regarding NZDF's submission points on Natural Hazards, Activities on the Surface of Water, Noise, and Temporary Activities. On this basis, NZDF does not intend to attend the hearing

However, the section 42A Report recommends to reject two of NZDF's submission points; NZDF's position on those is set out below.

#### **1. Addition of New Rule to Coastal Environment Chapter**

- 1.1 NZDF's submission sought the addition of a new rule Rule CE-Rx under CE-Table 1, CEH-Table 1, and CEH-Table 2 to exempt structures and buildings associated with Temporary Military Training Activities (TMTA) in the coastal environment from the rules of this chapter (S21.16). The Reporting Officer recommends rejecting this request (section 42A Report – Chapter 32 Coastal Environment, paragraphs 112- 114), as they consider these rules unnecessary, noting that:

“Temporary military activities are permitted in this plan under the provisions of TEMP-R7. It is not considered that specific provisions need to be included in the coastal environment chapter to further provide for this matter.”

- 1.2 While TMTA are permitted in the proposed plan it is not explicit that the Temporary Activities chapter provisions/rules take precedence over the provisions in the Coastal Environment chapter provisions. The Temporary Activities Chapter Introduction states that “Part 2 District-Wide Matters such as noise and light provisions must still be complied with”. Based on this, it could be assumed that the Coastal Environment provisions (which come under Part 2 District-Wide Matters) still apply to TMTA, meaning that the rules in that chapter must be complied with. In effect, it is not clear

that structures and buildings associated with TMTA in the coastal environment are not subject to the rules of the Coastal Environment chapter.

- 1.3 TMTA may require the placement of temporary buildings and structures in the coastal environment to enable training exercises such as beach landings. Due to the temporary nature of such activities, it is appropriate that any buildings or structures ancillary to TMTA are permitted. This is accepted in the section 42A Report; NZDF is not seeking to amend this, but rather seeks to clarify the application of the rules.
- 1.4 Clarification could be by way of a new rule in the Coastal Environment chapter as per the wording in NZDF's submission. Alternatively, a simple way to address this is by adding a statement in the Temporary Activities Chapter that the rules in the Coastal Environment Chapter do not apply to TMTA e.g.:

TEMP-R7	Temporary Military Training Activities
Activity Status: PER Note: See NOISE-R2 Note: <u>The rules in the Coastal Environment chapter do not apply.</u>	

## 2. Exemption to Noise Rules

- 2.1 NZDF's submission sought to make helicopter landing areas associated with TMTA exempt from Rule NOISE-R8 (S21.22). The Reporting Officer recommends rejecting this request as they consider that the existing exemption clause to the noise rules suffices (section 42A Report – Noise, Signs, Temporary Activities, Relocated Buildings & Light Chapter, paragraph 32):

“It is noted that helicopters used by the military including for training purposes are exempt from the noise rules. No amendment is considered necessary.”

- 2.2 NZDF recognises there is an exemption clause, and this is proposed to be amended as a result of another submission as follows:

### NOISE-RX Exemptions

The noise rules do not apply to the noise generated by the following activities:  
....

2. Helicopters used as an air ambulance or for emergency operations. Helicopters used by the Department of Conservation, by the military, CDEM or by search and rescue operations. This includes training for the purposes of undertaking those activities.

- 2.3 NZDF supports this amendment as it provides clarity on the application of the rule, including in relation to the exemption for helicopters used by the military.

## 3. Inclusion of simplified Temporary Military Training Activity Rules

- 3.1 NZDF's submission point S21.23 sought to amend NOISE-R14 to match the noise standards contained in Attachment B to its submission. The section 42A Report recommendation is that this be accepted in part (with some restructuring so the

content is contained in a single Rule NOISE-R2). NZDF is supportive of the recommended revised Rule NOISE-R2.

- 3.2 NZDF has recently developed a simplified version of the noise standards, the key difference being that the standards are grouped into TMTA that “involve weapons firing and/or the use of explosives” (as per current standards), and ‘all other TMTA’ (i.e. removing the distinction between mobile and stationary noise sources and associated limits).
- 3.3 Please see appended table which shows the provisions tracked as changes against the section 42A Report version of the rules (Appendix A). Although not strictly necessary, NZDF wishes to provide the simplified standards for the consideration of the Hearings Panel if it is minded to include them.

#### 4. Closing

If the Hearings Panel considers 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. Contact details are Rebecca Davies - 021 445 482, rebecca.davies@nzdf.mil.nz.

Yours faithfully



Rebecca Davies  
Principal Statutory Planner  
Defence Estate and Infrastructure  
Te Ope Kātua o Aotearoa | New Zealand Defence Force

## Appendix A: Simplified Temporary Training Military Activity Rules

### Additions

### Deletions

Noise R-2	Emission of noise from temporary military training activities									
<p><b>Activity Status: PER</b></p> <p><b>Where:</b> Weapons firing and/or the use of explosives:</p> <ol style="list-style-type: none"> <li>Notice is provided to the Council at least 5 working days prior to the commencement of the activity; and</li> <li>The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity               <ol style="list-style-type: none"> <li>7am to 7pm hours: 500m</li> <li>7pm to 7am hours: 1,250m</li> </ol> </li> <li>Where the minimum separation distances cannot be met, then the activity must comply with the following peak sound pressure level when measured at the notational boundary of any building housing a noise sensitive activity:               <ol style="list-style-type: none"> <li>7am – 7pm: 95 dBC</li> <li>7pm – 7am: 85 dBC</li> </ol> </li> <li>NZS6802:2008 Acoustics Environmental Noise shall not be used to assess noise from weapons firing and use of explosives.</li> </ol> <p><u>Mobile noise sources</u></p> <p>5. Mobile noise sources must 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; and</p> <p>6. Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment</p> <p><u>Fixed (stationary) noise sources</u></p> <p>7. Fixed (stationary) noise sources must 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; and</p> <p>8. 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.</p> <p><u>All other sources:</u></p> <table border="1" data-bbox="209 1890 842 2016"> <thead> <tr> <th>Time (Mon - Sun)</th> <th>Noise Limit LAeq(15min)</th> <th>LAF max</th> </tr> </thead> <tbody> <tr> <td>7am – 7pm</td> <td>55 dB</td> <td>N/A</td> </tr> <tr> <td>7pm - 10pm</td> <td>50 dB</td> <td>N/A</td> </tr> </tbody> </table>	Time (Mon - Sun)	Noise Limit LAeq(15min)	LAF max	7am – 7pm	55 dB	N/A	7pm - 10pm	50 dB	N/A	<p><b>Activity status where compliance is not achieved: RDIS.</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>(a) The length of duration of the activity, characteristics of the noise being generated including its frequency, intensity, and any special noise characteristics; and</p> <p>(c) Effects on people and communities’ health and wellbeing, including the potential for sleep disturbance; and</p> <p>(d) Any mitigation of the noise proposed, in accordance with a best practicable option approach including site layout, design and location of structures and equipment and the timing of operations; and</p> <p>(e) The degree to which adverse effects can be mitigated through conditions of consent such as noise attenuation; and</p> <p>(f) The social benefits that will be derived from the activity.</p>
Time (Mon - Sun)	Noise Limit LAeq(15min)	LAF max								
7am – 7pm	55 dB	N/A								
7pm - 10pm	50 dB	N/A								

10pm – 7am	45 dB	75 dB	
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