

21 October 2024

Proposed Far North District Plan
C/- Alicia-Kate Taihia
Hearings Administrator
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Attention: Hearings Panel

Proposed Far North District Plan (Hearing Stream 6 and 7 - General District-Wide Matters)

The New Zealand Defence Force (NZDF) (submitter 217) has reviewed the Section 42A Report for Hearing Stream 6 and 7 – General District-Wide Matters and determined that it will not attend this hearing, but requests that this letter be tabled with the Hearings Panel.

NZDF wishes to reiterate that it needs to undertake temporary military training activities (TMTA) in order to meet statutory Defence purposes under section 5 of the Defence Act 1990. Those purposes include the defence of New Zealand, the protection of the interests of New Zealand, the provision of assistance to the civil power in times of emergency and the provision of any public service.

NZDF supports the recommendations made by the Reporting Officer in the Section 42A Reports regarding most of its submission points on the Noise and Temporary Activities Chapter. However, in relation to submission point S217.017, NZDF provides further information, as set out below.

1. Default activity status

- 1.1 NZDF initially sought controlled activity status as the default status if permitted activity standards and conditions cannot be met. The S42A report (S217.017) states:

“In my opinion changing the activity status to a controlled activity is not appropriate because a controlled activity status means that the Council cannot decline a resource consent application if it meets the specific standards and conditions. A discretionary activity, on the other hand, provides the Council with opportunity to assess all aspects of the activity and decline it if it is not appropriate. There is a much greater scope to impose conditions to ensure the activity is managed appropriately. Given the activity relates to noise from a TMTA involving weapons firing and/or the use of explosives in my opinion where the permitted standards cannot be met its important there is unlimited discretion on Councils assessment of this activity.”

- 1.2 A default controlled activity status remains NZDF’s requested outcome given that it is necessary for NZDF to be able to undertake TMTA to meet statutory purposes. A

default controlled activity status provides requisite certainty for NZDF that it can undertake TMTA if permitted activity standards and conditions cannot be met, while ensuring that if resource consent is required, Council can include conditions on the matters over which it has reserved control.

- 1.3 However, if a default controlled activity status is not accepted, NZDF seeks a change from the recommended default activity status from discretionary to restricted discretionary where TMTA cannot comply with the relevant permitted activity standards under NOISE-R6.
- 1.4 NZDF's position is that the effects of TMTA that cannot comply with the relevant standards are well understood and can be identified through matters of discretion. A restricted discretionary status will provide the Council with the opportunity to assess the relevant effects of a TMTA activity and decline consent if not appropriate, while providing greater certainty to NZDF if it needs to apply for resource consent for TMTA.
- 1.5 This approach aligns with the approach taken under Rule NOISE-R5 which also applies to TMTA and has a default activity status of restricted discretionary where compliance is not achieved, and is also consistent with the approach taken in most other District Plans including the Auckland Unitary Plan, Whangarei District Plan, and Partially Operative Selwyn District Plan (Appeals Version). Other District Plans provide controlled activity status as the default (e.g. Tasman District Plan).
- 1.6 If a default controlled activity status is not accepted, the existing matters of discretion which are currently listed under NOISE-R5 are considered appropriate for matters of discretion for NOISE-R6:
- the level, hours of operation, duration and nature of the noise;
 - proximity and nature of nearby activities and the adverse effects they may experience from the noise;
 - the existing noise environment;
 - effects on character and amenity values on the surrounding environment;
 - effects on the health and wellbeing of people; and
 - any noise reduction measures.

2. 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. Please do not hesitate to contact Rebecca Davies on 021 445 482 or 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: Amended NOISE-R6

Additions

Deletions

Tracked changes against s42A version (Appendix 1 – Officers Recommended Amendments to Noise Chapter)

NOISE-R6	Noise from a temporary military training activity involving weapons firing and/or the use of explosives	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 At least 5 working days prior to the commencement of the activity, notify the Council of the activity, including details of the nature, duration and scale of activity, and any consultation that has been undertaken;</p> <p>PER-2 The activity complies with the following:</p> <ol style="list-style-type: none"> 1. occurs between the hours of 7.00am to 7.00pm, and achieves either a 500m minimum separation distance to, or peak sound pressure level of 95 dB LCpeak dBC when measured within the notional boundary of any noise sensitive activity; and/or 2. occurs between 7.00pm to 7.00am, and achieves either a 1250m minimum separation distance to, or peak sound pressure level of 85 dB LCpeak dBC13 when measured within the notional boundary of any noise sensitive activity; <p>PER-3 The activity complies with standard: NOISE-S6 Explosives (excluding airblast limits).</p>	<p>Activity status where compliance is not achieved with PER-1, PER-2 or PER-3: Discretionary Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> a. <u>the level, hours of operation, duration and nature of the noise;</u> b. <u>proximity and nature of nearby activities and the adverse effects they may experience from the noise;</u> c. <u>the existing noise environment;</u> d. <u>effects on character and amenity values on the surrounding environment;</u> e. <u>effects on the health and wellbeing of people; and</u> f. <u>any noise reduction measures.</u>