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Submission on Proposed Far North District Plan

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1. Introduction

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. While NZDF does not currently operate any facilities within the Far North District, that does not preclude it establishing facilities in the future. NZDF may also wish to undertake temporary military training activities (TMTA) within the district from time to time.

It is important that appropriate provision for TMTA is included in the Far North District Plan. NZDF provided comments to the Far North District Council in 2018 and 2021 regarding TMTA and is pleased to see that Council has taken on board previous feedback. NZDF broadly supports the TMTA provisions in the Proposed District Plan, subject to a few minor amendments as discussed in this feedback.

2. Background

NZDF is undertaking a nationwide programme to update the standards in District Plans relating to TMTA. NZDF undertakes TMTA across the country from time to time, as part of its function of maintaining the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of communities. TMTA can include a range of activities, from office / classroom-based activities to large scale military exercise, and might involve search and rescue, infrastructure support (such as deployment of water purification and supply facilities as used in the aftermath of the Canterbury and Kaikoura earthquakes), bomb deactivation training, weapons firing, personnel movements and dog training etc. They may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night. Further detail on the nature of TMTA is provided in Attachment 2.

Many TMTA carried out “off-base” by NZDF personnel are essentially the same as training activities conducted by other public service organisations (e.g. NZ Police, NZ Fire Service, NZ Land Search and Rescue). Training activities are carried out “off-base” for a variety of reasons including providing the diversity and realism that is essential for effective training. Skills that are learned and practiced “on-base” must be tested or extended in unfamiliar contexts “off base”.

Due to the broad nature of TMTA and the need for NZDF to train in unfamiliar real-world situations, they can be undertaken in any zone within a district, and NZDF therefore seeks TMTA provisions to be included in all zones in a District Plan, either in a general chapter or on a zone-by-zone basis (depending on the structure of the plan). As activities are uniquely military in nature, it is appropriate to have specific noise provisions to address their effects. NZDF has commissioned professional acoustic advice and developed a set of noise standards specific to TMTA that it seeks to be included in every district plan in NZ.

3. NZDF Submission

A detailed submission is attached as **Attachment 1**.

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 20/10/2022

Attachment 1: NZDF feedback on the Proposed Far North District Plan

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
1	Definition of Temporary Military Training Activities	Support	The definition in the Proposed Plan is consistent with the definition in the National Planning Standards, which is appropriate.	Retain the definition as drafted. S217.001
2	Definition of Noise Sensitive Activity	Support	The definition of Noise Sensitive Activities is considered appropriate.	Retain the definition as drafted. S217.002
3	Objective TA-O1	Support	It is appropriate to recognise the benefits of temporary activities, including TMTA, which contribute to the wellbeing of the community.	Retain this Objective as drafted. S217.003
4	Objective TA-O2	Support	It is appropriate that temporary activities manage any on-site or off-site adverse effects.	Retain this Objective as drafted. S217.004
5	Policy TA-P1	Support	It is important to recognise the social, economic and cultural benefits of TMTA. Being able to undertake TMTA across a wide range of locations is critical to ensuring that NZDF personnel are ready to respond to a military or civilian emergency or disaster, in New Zealand or overseas.	Retain this Policy as drafted. S217.005
6	Policy TA-P2	Support	It is appropriate that the actual and potential effects from temporary activities are managed, including that they do not result in permanent adverse effects on the environment.	Retain this Policy as drafted. S217.006
7	Explanatory note in TEMP Rules	Support	The explanatory note is helpful in ensuring consistent application of the TEMP Rules in relation to other chapters, including clarification that the rules in the temporary activities chapter take precedence over any rules in Part 3, with the exception of Designations.	Retain note as drafted. S217.007
8	Rule TA-R2: Temporary military training activity and emergency services training activity	Support in part	It is appropriate to provide for TMTA as a permitted activity in the District-wide Matters Chapter, which applies across all zones in the Plan. TMTA are by their nature temporary and can vary in duration depending on the training being undertaken. NZDF selects its proposed training sites depending on the proposed training activity, with various sites required across the training regime each year.	Amend this performance standard PER-2 to state: "The duration of the activity does not exceed a collective total of 31 calendar <u>consecutive</u> days per year on any site, <u>excluding set-up and pack-down activities.</u> "

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
			<p>While some sites may be used more than once, the duration of an exercise is unlikely to exceed 31 consecutive days. It is also appropriate to exclude any set up and pack down activities from this duration limit.</p> <p>NZDF requests a Controlled Activity status for TMTA that do not meet the Permitted Activity standards. NZDF considers that this activity status is appropriate where the effects are known, and should apply when any of the permitted activity standards are not met</p>	<p>Amend to Controlled Activity status for TMTA where the activity is not permitted, with matters of control limited to the matters of any infringed standard.</p> <p style="text-align: center;">S217.008</p>
9	Policy NOISE-P3	Support	This policy seeks to ensure that noise effects are of a type, scale and level appropriate for the character of the receiving environment, while having regard to the temporary or permanent nature of adverse effects, which is appropriate.	<p>Retain policy as drafted.</p> <p style="text-align: center;">S217.009</p>
10	Rule NOISE-R5 Permitted Activity	Support	NZDF supports a specific permitted activity rule for TMTA noise in the District Plan.	Retain rule with amendments as listed in points 11 to 13 below. S217.010
11	Rule NOISE-R5 New Standard PER-3	Amend	TMTA may at times include the use of helicopters, which is not recognised under Rule NOISE-R7 as drafted. NZDF requests that provision for helicopter landing areas associated with TMTA are included in NOISE-R5.	<p>Insert a new Standard PER-3 to provide for helicopter landings areas associated with TMTA, in accordance with the NZDF noise limits request in Attachment 3 to this feedback, and shown below for completeness:</p> <p style="text-align: center;">S217.011</p> <p><u>NOISE-R3 PER-3:</u> <u>Helicopter landing areas shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</u> <u>Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</u></p>
12	Rule NOISE-R5 Activity Status where compliance	Oppose	NZDF requests a Controlled Activity status for noise from TMTA that does not meet the Permitted Activity noise standards. NZDF	Amend to Controlled Activity status for TMTA where the activity does not comply with the permitted activity standards.

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
	not achieved Restricted Discretionary		considers that this activity status is appropriate where the effects are known, as is the case with noise effects.	S217.012
13	Rule NOISE-R5 Matters of Discretion	Support in part	The matters of discretion listed under Rule Noise-R5 for PER-2 are considered appropriate in relation to the potential noise effects from TMTA, however as noted above NZDF requests that the activity status is amended to Controlled. The matters currently listed are also appropriate for matters of control.	Amend the matters of discretion listed under Rule NOISE-R5 to become matters of control for a Controlled Activity status. style="text-align: center;"> S217.013
14	Rule NOISE-R6: Noise from a TMTA involving weapons firing and/or the use of explosives	Amend	Providing for TMTA involving weapons firing and/or the use of explosives in the Rural Production zone only is overly restrictive and not reflective of the varied real-world situations which NZDF must train across. In order for NZDF to maintain its ability to deploy, it needs to be able to undertake training in both urban and rural environments. 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.	Amend Rule NOISE-R6 so that it applies to All zones. style="text-align: center;"> S217.014
15	Rule NOISE-R6: Noise from a TMTA involving weapons firing and/or the use of explosives PER-1 and PER-2	Support	NZDF has developed bespoke noise standards with respect to TMTA, including those that involve weapons firing and/or the use of explosives, that NZDF is seeking to be included in every district plan throughout the country. The standards have been specifically developed to manage the particular noise characteristics of TMTA and include a separation distances or peak sound pressure where the activity does not meet the separation distances. The advantage of this approach is that separation distances are easy to comply with and monitor. This approach has been recognised in PER-1 and PER-2 of NOISE-R6 and NZDF supports the inclusion of PER-1 and PER-2.	Retain PER-1 and PER-2 as notified. style="text-align: center;"> S217.015
16	Rule NOISE-R6: Noise from a TMTA involving weapons	Oppose	PER-3 requires that the activity comply with standard NOISE-S6 Explosives. However, this relates to quarrying activities and is not applicable to explosive use by NZDF. Having regard to PER-1 and PER-2, PER-3 should be deleted.	Delete PER-3 style="text-align: center;"> S217.016

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
	firing and/or the use of explosives PER-3			
17	Rule NOISE-R6 Activity Status where compliance not achieved Discretionary	Oppose	NZDF requests a Controlled Activity status for noise from a TMTA that involves weapons firing and/or the use of explosives that does not meet the Permitted Activity noise standards. NZDF considers that this activity status is appropriate where the effects are known, as is the case with noise effects.	Amend to Controlled Activity status where the activity does not comply with the permitted activity standards. S217.017
18	Rule NOISE-R6 Matters of Control	Amend	Include matters for control for Rule NOISE-R6, in keeping with those listed under Rule Noise-R5 for PER-2.	Include matters for control for Rule NOISE-R6 as follows: S217.018 <u>1. the level, hours of operation, duration and nature of the noise;</u> <u>2. proximity and nature of nearby activities and the adverse effects they may experience from the noise;</u> <u>3. the existing noise environment;</u> <u>4. effects on character and amenity values on the surrounding environment;</u> <u>5. effects on the health and wellbeing of people; and</u> <u>6. any noise reduction measures.</u>
19	Rule NOISE-R7: Helicopter landing areas	Amend	TMTA may at times include the use of helicopters, which is not recognised under Rule NOISE-R7 as drafted. NZDF requests that helicopter landings associated with TMTA are excluded from NOISE-R7 and instead addressed under NOISE-R5 (see point 11 above).	Amend NOISE-R7 as follows: S217.019 This standard does not apply to: <u>iiii. helicopter operation or landings associated with temporary military training activities which are addressed in NOISE-R5.</u>
20	Standard NOISE – S3	Amend	Standard NOISE - S3 applies to noise generated from fixed (stationary) noise sources under Rule NOISE-R5 PER-1. NZDF has developed a bespoke set of noise standards that are realistic and	Amend NOISE - S3 as follows: 1. 7am to 7pm - <u>55</u> dB L _{Aeq(15min)}

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
			<p>appropriate for the type of noise generated. These standards are based on professional acoustic advice and NZDF seeks their inclusion in proposed plans nation-wide.</p> <p>NZDF seeks that the noise levels specified in NOISE-S3 are amended to reflect the NZDF standards.</p>	<p>2. 7pm to 10pm - 5045 dB $L_{Aeq(15min)}$</p> <p>3. 10pm to 7am - 450 dB $L_{Aeq(15min)}$</p> <p>4. 10pm to 7am - 750 dB L_{Amax}</p> <p style="text-align: center;">S217.020</p>
21	Rule NH-R3 Standard PER-1	Amend	<p>Flood hazard areas comprise mapped areas that would be subject to river flooding during a 1 in 10 or 1 in 100 year event. Buildings and structures are only permitted in a flood hazard area under NH-R3 if it is one of the listed structures in PER-1. TMTA may require the placement of temporary buildings and structures in flood hazard areas to enable realistic training, such as the placement of temporary bridges. It is appropriate that such structures used in military training are permitted in flood hazard areas due to their temporary nature.</p>	<p>Amend PER-1 to also permit temporary structures and buildings for TMTA as follows:</p> <p style="text-align: center;">S217.021</p> <p>PER-1 The building or structure is one of the following:</p> <ol style="list-style-type: none"> 1. Above ground buildings or structures with a footprint of 10m² or less; or 2. deck less than 30m² and less than 1m in height; or 3. boardwalks or stairs that are less than 500mm above ground level and located within a public reserve or legal road; <u>or</u> 4. <u>temporary building or structures associated with temporary military training activities.</u>
22	Rule ASW- R2	Amend	<p>Rule ASW-R2 provides for the use of motorised craft as a permitted activity on the surface of all rives and lakes in all zones. However, performance standards PER-1 and PER-3 are contradictory. The use of craft as described under PER-3 should be provided for in a new rule.</p>	<p>Amend Rule ASW – R2 as follows:</p> <p>PER-1 The use is a non-commercial recreation activity.</p> <p style="text-align: center;">S217.022</p> <p>PER-2 The craft is not used for residential activity.</p> <p>PER-3 The craft is used for search and rescue, scientific investigations, noxious</p>

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				<p>flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p> <p>PER-4 With the exception of activities provided for in PER-3, the activity does not occur on any of the following water bodies:</p> <ul style="list-style-type: none"> a. Lake Ngatu; b. Lake Owhariti; c. Lake Heather; d. Lake Rotorua; e. Far North Dune Lakes; f. Waitangi River (above Haruru Falls); g. Waingaro Reservoir; h. Manuwai Reservoir.
23	New Rule ASW-Rx	Amend	<p>As above, the use of craft as described under PER-3 is in conflict with PER-1 and should be provided for in a separate rule.</p> <p>TMTA can include the use of motorised craft on the surface of waterbodies. NZDF seeks that defence activities be included in the new rule.</p>	<p>Provide for the use of motorised craft with inclusion of a new rule applying to the surface of all rives and lakes in all zones as follows:</p> <p><u>ASW-Rx The use of motorised craft</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p>

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				<p>The craft is used for <u>search and rescue, scientific investigations, defence purposes, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</u></p> <p style="text-align: right;">S217.023</p> <p><u>Activity status where compliance not achieved with PER-1: Discretionary</u></p>
24	Rule ASW-R3	Amend	<p>TMTA may involve the placement of temporary bridges over rivers and lakes, or temporary dams to enable training with potable water treatment units. It is appropriate that these structures are not restricted by the district plan, noting that they would be subject to regional planning provisions.</p> <p>Rule ASW-R3 provides for various structures as permitted activities. It is appropriate that structures associated with TMTA be included.</p>	<p>Amend the note for Rule ASW-R3 as follows:</p> <p style="text-align: right;">S217.024</p> <p>PER-1</p> <p>The structure is associated with a river crossing, <u>temporary military training activity</u>, scientific investigations, noxious flora and fauna control, maintenance of the habitat of indigenous fauna, or monitoring; or irrigation network maintenance on Waingaro and Manuwai Reservoirs.</p>
25	Rule CE-R1	Amend	<p>TMTA may require the placement of temporary buildings and structures in the coastal environment to enable training exercises such as beach landings. Due to their temporary nature it is appropriate that any buildings or structures ancillary to temporary military training activities are permitted.</p>	<p>Amend Rule CE-R1 as follows:</p> <p>PER-2</p> <p>If a new building or structure is not located within an urban zone it is:</p> <ol style="list-style-type: none"> 1. ancillary to farming activities (excluding a residential unit) <u>or temporary military training activities.</u> 2. no greater than 25m².

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				<p>3. located outside outstanding natural character areas.</p> <p style="text-align: center;">S217.025</p> <p>PER-4 <u>Except where it is ancillary to a temporary military training activity,</u> the building or structure, or extension or addition to an existing building or structure, complies with standards: CE-S1 Maximum height. CE-S2 Colours and materials.</p>
26	New Rule for earthworks associated with TMTA	Amend	<p><u>Any earthworks associated with TMTA would be a discretionary activity under EW-R14, which provides for activities otherwise not listed in the Earthworks Chapter. This is considered onerous and out of keeping with earthworks associated with other activities (such as for farming or rural industrial activities) which are permitted, subject to compliance with the applicable standards.</u></p>	<p>Provide for earthworks associated with TMTA in the rule framework, with inclusion of a new rule applying to all zones as follows:</p> <p><u>EW – Rx Earthworks for temporary military training activities</u></p> <p><u>Activity status: Permitted</u></p> <p>Where: S217.026</p> <p>-</p> <p>PER-1 <u>The earthworks complies with standards:</u> <u>EW-S1 Maximum earthworks thresholds;</u> <u>EW-S2 Maximum depth and slope;</u> <u>EW-S4 Site reinstatement;</u> <u>EW-S7 Land stability;</u> <u>EW-S8 Nature of filling material; and</u> <u>EW-S9 Flood and coastal hazards</u></p>

Point	Provision	Support/ Oppose/ Amend	Reasons	Relief Sought
				<p><u>Activity status where compliance not achieved with PER-1: Restricted discretionary</u></p> <p>-</p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>a. the matters of discretion of any infringed standard.</u></p>

Attachment 2 – Temporary Military Training Activities Information Sheet

The New Zealand Defence Force (NZDF) is required to undertake training activities in accordance with the Defence Act 1990.

These training activities include a wide range of activities, including: physical training, dog training, signals (radio communications) exercises, medical and dental exercises, medivac simulation, Improvised Explosive Device Disposal (IEDD) exercises, IEDD search exercises (in commercial or industrial buildings as well as outdoors), small construction tasks, camp setup including field kitchens and ablutions, search and rescue, Civil Defence support, driver training and infrastructure support (e.g. water purification and supply facilities). NZDF also undertakes activities that are more recognisable as military exercises, including the use and firing of weapons (both live and blank ammunition) and the detonation of explosives.

A practical example of training relates to the unit that provides dental services to deployed troops. 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 in the community who might otherwise miss out. School children in areas remote from dental services are often the beneficiaries of that training activity.

Troops also train within NZDF owned properties, military camps and bases. However, it is essential that troops are trained outside of these locations to ensure the skills learned are able to be applied in new and different situations, not just in familiar areas.

Many activities carried out “off-base” by NZDF personnel are essentially similar to training activities conducted by other public service or commercial organisations. Included in that comparison are (for example) NZ Police, NZ Fire Service, the various ambulance services, search and rescue, and specialist cliff rescue teams.

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. For some exercises, weapons may be carried or set up for realism but not fired. Temporary military training activities may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night. The NZDF exercise planners undertake extensive consultation with landowners and the community when planning a larger exercise, including newspaper notices, letter box drops to ensure the community are aware of the exercise occurring in their community.

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”.

Extended “off-base” activities are costly in terms of funding and time and are not used for routine, repetitive training. An extended duration is not required to achieve the objective of testing skills in a different context. So, while an exercise might be undertaken over a period of days or weeks; typically, an exercise would only take place in one locality for a period of a few days.

Attachment 3 - 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 _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	n.a.
1900 to 2200 hours	50 dB	
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 4: 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 permitted activity standards to control noise effects from Temporary Military Training Activities (TMTA). This report can be provided on request. Based on this advice, NZDF has developed noise control standards that it seeks to have included in proposed plans nationwide.

The noise standards proposed by NZDF focus on compliance at noise sensitive activities: dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, the NZDF's proposed standards divide noise sources from TMTA 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 TMTA.

1. Weapons firing and/or the use of explosives

The noise control standard uses a tiered approach for weapons firing and explosives, where the first tier is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Two separation distances are specified – a nighttime distance and a daytime distance. The distances are conservative and 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 weapons firing/ explosives activities that are not able to meet the separation distance standard, or if the site location conditions meant that the setback could be reduced (e.g. where a hill separates a sensitive receiver from the TMTA), then the second tier - the peak sound pressure levels (dBC) - would apply. Where these peak sound pressure levels can be met, then the TMTA would be a permitted activity.

2. Mobile noise sources

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.

3. Fixed (stationary) noise sources

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.

4. Helicopter landing areas

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.