

**BEFORE THE PROPOSED WAIKATO DISTRICT PLAN HEARINGS
PANEL**

WAIKATO DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

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

SUBMITTER 796

21 June 2021

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. My role is national and “tri-service”, which is to say I manage and engage in Resource Management Act 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 Today I would like to make a short statement, providing background to NZDF’s submission and evidence. I confirm that I have the authority to provide evidence in relation to the matters set out below on behalf of NZDF.
- 4 I am familiar with NZDF’s submissions on the proposed Waikato District Plan (pWDP) having directed consultants in the preparation of those.

SUMMARY OF STATEMENT

- 5 Temporary military training activities (TMTA) are essential 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 pWDP.
- 7 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 Waikato District Plan.

- 8 The Council Officer for Hearing 28 (Other Matters) has recommended a Permitted Activity Rule be included in the pWDP, with a suite of conditions under this rule. The conditions recommended by the Officer are very problematic for NZDF because they impact the ability of the NZDF to undertake TMTA, and TMTA are an essential activity as explained below.

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.
- 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 in maintaining capability so that NZDF is ready to respond to a wide range of national and international situations, including 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 and more recently, the White Island eruption and flooding in the South Island. It is therefore in the national interest, and wider community’s benefit, that TMTA can occur without undue restriction.
- 11 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”.
- 12 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 simply assessed. In the last eight years NZDF has made formal requests or submissions to 30 Councils including to Waikato District Council in respect of the pWDP. Some larger-scale exercises cross district boundaries, so consistency is very important from an exercise planning and risk mitigation perspective.

- 13 The Waikato area is an area where NZDF may choose to undertake TMTA as part of personnel training. It is a strategic location because it is relatively close to the Auckland region in which significant Defence Camps and Bases are located (including the Whenuapai Airbase and Devonport Naval Base, and in the south of the region the Papakura Military Camp and Ardmore Military Training Area).
- 14 The proposals we have submitted to Council do not pre-empt a change in the nature or quantity of training likely to be conducted in the Waikato District. Rather, we are seeking to simplify and modernise the rules applying to TMTA and to ensure that activities that are carried out in the area remain lawful. We have raised these issues now not because we want to change what we do, but rather in response to the proposed plan.
- 15 Live and blank firing activities are much less likely to take place than other essential, but rather more mundane, activities and are only carried out subject to very stringent and site specific safety controls. Live and blank firing are included as part of a standard rule that NZDF is seeking be used consistently in District Plans throughout the country.
- 16 TMTA are conducted on land that is controlled by a private or public owner. Those owners, particularly public owners such the Council itself, can be expected to exercise normal discretion in allowing, or setting conditions for TMTA to take place on land they own.
- 17 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) 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.

- 18 By way of a detailed 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.
- 19 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. Contrary to what is suggested in the Section 42A Report, TMTA are not akin to large-scale temporary events of the nature otherwise provided for in the District Plan and therefore should not be subject to the same permitted activity conditions. Rather they are typically 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.

- 20 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 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 firing might be conducted. However these types of exercises occur very infrequently – for example, NZDF’s biggest training exercise, Exercise Southern Katipo, occurs once every few years.

RELIEF SOUGHT

- 21 Training activities that are specifically military in nature are carried out “off-base” for a variety of reasons and as I have noted above one of the key reasons is diversity and realism. If personnel are unable to practice their skills in a greater diversity of structures and environments than is present in the likes of 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.
- 22 To provide for diversity and flexibility in training, NZDF seeks to have the proposed Permitted Activity rule applied in all zones. This is also important from a consistency perspective as it streamlines the exercise planning process. Having different rules apply to different zones creates significant

challenges in planning exercises, particularly mobile exercises that move across zones within a district.

- 23 As I have noted above, TMTA are not in any way, shape or form similar in nature to large-scale temporary events such as concerts and should not be subject to the same limitations in terms of duration (i.e. the duration of each 'event' must be less than 72 hours). Rather, a period of 31 days is typically adequate for the majority of temporary military training activities, where any set up and pack out activities are provided for by allowing an additional week both prior to and following the 31 day exercise period. NZDF requests that where there is a duration limit proposed in a Plan, that this set up and pack out time is provided in addition to the exercise duration limit.
- 24 Temporary Military Training Activities are typically planned well in advance. For activities undertaken on land not owned by NZDF, time is required to secure landowner agreement and to assure compliance with all applicable controls. In the case of training involving weapons firing and the use of explosives, safety templates and potential effects on neighbouring land uses need to be determined in advance. Standards such as we have proposed through our submission in relation to noise management are a component of that process.

NOISE MANAGEMENT

- 25 NZDF acknowledges that noise effects from Temporary Military Training Activities need to be appropriately controlled within the District 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 District 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.

- 26 To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from TMTA. Mr Humpheson will provide detailed evidence on the acoustic standards proposed 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. NZDF has been successful in having the proposed permitted activity standards adopted through plan review processes in several districts and is currently engaged in many plan reviews with that end in mind.
- 27 In summary our 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.
- 28 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 rejected our proposition entirely – concluding there was no need for any controls at all on noise from military training activities. Queenstown Lakes District Council also took this view.
- 29 The effect of our 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 own 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.

- 30 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.
- 31 A further advantage to the setbacks is that weather conditions do not need to meet the prescribed standards for undertaking noise measurements.
- 32 NZDF's proposal is different to the more traditional District Plan noise provisions, but in our view, and in the view of the District Councils which have already adopted it, the standards are entirely appropriate.

CONCLUSION

- 33 TMTA are not in any way, shape or form similar in nature to large-scale temporary events such as concerts and therefore should not be treated in the same way, or subject to the same permitted activity conditions. Rather they are typically small to medium in scale as indicated by the types of identified above.
- 34 Temporary military training activities are essential and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 35 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".

- 36 The NZDF is not pre-empting a change in the nature or quantity of training likely to be conducted in the Waikato District. Rather, we are 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 wherever practicable.
- 37 Noise resulting from discharge of ammunition or explosives is the only unique effect of temporary military training activities that warrants specific management through the District Plan. However, live and blank firing activities are much less likely to take place than other essential, but rather more mundane, training activities.
- 38 NZDF has obtained specialist advice and has developed modern, effective and efficient controls for that noise. Those controls have been adopted by several District Councils in the review of their District Plans and are proposed for adoption in the pWDP.

Rebecca Davies

21 June 2021