

17 April 2025

Proposed Timaru District Plan Hearings Panel  
C/o Hearings Administrator  
By email: [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

**Attention: Hearings Panel**

**Proposed Timaru District Plan**

**Hearing F - Hazards and Risks (Natural Hazards only) - Other District-wide Matters**

**Introduction**

- A. The New Zealand Defence Force (NZDF) (Submitter 151) has reviewed the Section 42A Reports for Hearing Stream F and determined that it will not attend the hearing scheduled to commence 30 April 2025, but requests that this letter be tabled with the Hearings Panel.
- B. NZDF wishes to ensure that its submission is considered against the following context:
- i. Section 5 of the Defence Act 1990 provides for the raising and maintenance of armed forces for specified purposes. 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.
  - ii. Temporary Military Training Activities (TMTA) are critical to the “maintenance” of armed forces. NZDF therefore undertakes TMTA around the country in order to meet statutory purposes under section 5 of the Defence Act 1990, and in order to meet Government output and capability requirements.
  - iii. “Off-Base” TMTA, which may need to occur across different zones within a District, or across District boundaries, are undertaken in order to provide essential realism and diversity in training environments. Particular locations are chosen in accordance with the specific requirements of the TMTA, and logistical considerations.
  - iv. NZDF seeks appropriate and consistent rules in District Plans throughout the country in order to enable TMTA. NZDF’s primary concern in relation to this hearing is to ensure that the proposed District Plan includes appropriate provisions in order to enable it to meet its statutory purposes and Government expectations.
- C. NZDF largely accepts or is neutral on the recommendations to the provisions in the Earthworks, Activities on the Surface of Water and Coastal Environment Chapters, but wishes to address specific submission points as set out below.

## Temporary Activities Chapter

### 1. Wording of TEMP-P2

- 1.1 NZDF seeks the deletion of Clause 3 and 4 from TEMP-P2. The Reporting Officer recommends rejecting this request with reasons outlined in Paragraphs 12.5.4 and 12.5.5 of the S42A Report: EW, RELO, SIGN and TEMP:

*While I agree with the NZDF [151.5] that transport matters are largely managed by provisions in the TRAN chapter, I do not agree that TEMP-P2.3 should be deleted. In my view, it is appropriate to include policy direction in relation to traffic safety and efficiency in the TEMP-P2 to achieve TEMP-O1.2. I note temporary activities can have adverse effects on the transport network because of increased traffic movements or potential road closures. I therefore recommend that TEMP-P2.3 is retained as notified and that the submission point from Waka Kotahi [143.132] be accepted.*

*I agree with the NZDF [151.5] that temporary events and activities may not always be of a scale and location that is consistent (i.e., the same as) the anticipated character and qualities of the zone in which they occur, but are generally acceptable, given they are temporary and do not permanently alter the environment. However, I do not agree that TEMP-P2.4 should be deleted. In my view, it is necessary for temporary activities to not conflict with the anticipated character and amenity values of the underlying zone to achieve TEMP-O1.2 (no significant adverse effects). I also note that the temporary activities rules have been purposely drafted to ensure any temporary activity or event will not cause adverse effects on the character and qualities of the environment in which they occur. In my view, it is therefore appropriate for the anticipated character and qualities of the zone to be assessed where the permitted rule requirements are not met. However, to address the submitter concerns, I recommend that the term 'consistent' is replaced with the term 'compatible'. In my opinion, the term 'compatible' is less restrictive as it allows for temporary activities to occur where they do not conflict with the anticipated character and amenity values but does not necessarily require them to be the same as the underlying zone. The term 'compatible' is also consistent with the terminology used in the preface to the policy. I therefore recommend the submission from NZDF [151.5] be accepted in part.*

#### TEMP-P2 (3):

- 1.2 NZDF's view is that transport matters for temporary activities, including high trip generating activities, are more appropriately addressed in the Transportation chapter. The provision of transport matters in Policy TEMP-P2 results in a duplication of provisions from the Transportation chapter which NZDF considers is unnecessary. To avoid this duplication, NZDF requests that this clause is removed from the policy.

#### **TEMP-P2 (4):**

- 1.3 Regarding the Reporting Officer's statement that the temporary activities rules have been purposely drafted to ensure any temporary activity or event will not cause adverse effects on the character and qualities of the environment in which they occur, NZDF considers that the focus should be on any permanent adverse effects of temporary activities and a distinction should be made between permanent and temporary effects, with greater allowance provided for temporary effects, including on character and amenity. The Reporting Officer's reasoning appears inconsistent with Temp-P2 (2), which distinguishes between permanent and temporary adverse effects by requiring that temporary activities do not result in permanent adverse effects.
- 1.4 Any potential adverse effects from TMTA on the character and quality of the zone they are located in will, by their nature, be temporary, and will be limited to the temporary duration of the activity. Therefore, NZDF does not consider it necessary for TMTA to be consistent (or compatible) with the character and qualities of the zone in which they will occur. NZDF does not agree that 'compatible' is less restrictive than 'consistent'. The policy is too restrictive and unnecessarily onerous for TMTA, and leaves the ability for NZDF to undertake TMTA vulnerable to a subjective assessment.
- 1.5 NZDF requests either the removal of this requirement from Policy TEMP-P2 or that TMTA are exempt from TEMP-P2 (4).

## **2. Amend standards of TEMP-R2**

- 2.1 NZDF seeks to make several amendments to the standards under Rule TEMP-R2, as outlined below.

#### **Standard PER-2:**

- 2.2 Against the context of why NZDF undertakes TMTA, it is important that NZDF can select TMTA sites according to the requirements of the specific proposed training activity, with various sites required to accommodate the training programme and meet Defence capability requirements (as required under the Defence Act 1990) each year.
- 2.3 NZDF sought amendments to PER-2 to allow for more than one training event per site provided the duration of any one event does not exceed 31 consecutive days. The reporting officer recommends rejecting this submission point, on the basis that (paragraph 12.8.5, S42A Report: EW, RELO, SIGN and TEMP):

*TEMP-R2 (PER-2), as notified, requires the duration of the activity (emphasis added) to not exceed a total of 31 days per year and, in my view, could be interpreted as only allowing one activity (i.e., one training event) per site. I therefore agree with the NZDF [151.7] that amendments to PER-2 are appropriate to allow for more than one military training activity to occur per site. However, I do not support the wording suggested by NZDF [151.1] as, in my opinion, it would set no limits on the number of temporary military training activities per site provided the duration of any one event does not exceed 31 days and would be contrary to TEMP-O1 and TEMP-P2. I therefore recommend that PER-2 allows for more than*

*one training event per site (as sought by NZDF [151.7]) but the duration of any events, when combined, do not exceed a total of 31 days. I note that this is consistent with the approach in the ODP.*

- 2.4 NZDF requests the following amendment to PER-2 as shown against the S42A version:

**PER-2**

*The duration of temporary military training activities at any one site does not exceed a total of 31 consecutive calendar days ~~per year~~, excluding set up and pack out activities;...*

- 2.5 While it is important to enable TMTA sites to be used more than once per year, the total duration of any one TMTA is unlikely to exceed a total of 31 consecutive days. Most TMTA are generally of much smaller-scale and of relatively short duration (some only occurring over a few hours, or a few days). However, NZDF seeks a 31 day duration in order to provide certainty in exercise planning for larger-scale TMTA, as well as flexibility in the event a TMTA needs to be paused or modified once underway.
- 2.6 Should a site be used more than once per year there will be a period in between when TMTA are not occurring. Accordingly, the effects of any one TMTA are limited to a temporary period. For these reasons, the 31 calendar day restriction per site, per year, is considered overly onerous.

**Standard PER-3**

- 2.7 NZDF seeks deletion of Standard PER-3, requiring buildings in place longer than seven days to comply with height in relation to boundary and setback requirements of the zone that the building is located in. The reporting officer recommends rejecting this relief noting that:

*PER-3 implements TEMP-P2.4 and TEMP-P2.5 by ensuring the height, height in relation to boundary and setbacks of buildings and/or structures on a site longer than seven days are compatible with underlying zone and do not generate significant adverse visual amenity effects.*

- 2.8 NZDF seeks a consistent duration for TMTA and any associated activities, including temporary buildings.
- 2.9 Based on the standard as proposed, a TMTA could be undertaken on a site for 31 days as a permitted activity. However, a temporary building associated with a TMTA, and which may be central to a TMTA (e.g. establishing and operating a temporary communications facility) may require a resource consent if it is in place for longer than 7 days. NZDF considers this is impractical, and could undermine the purpose and intent of a particular TMTA and create uncertainty as to whether a TMTA can proceed in a form required by NZDF. All aspects of a TMTA should be permitted for a consistent timeframe in order to provide NZDF with requisite certainty.

### 3. Amend activity status of TEMP-R2

- 3.1 NZDF seeks a single default activity status for TEMP-R3 and that this be amended from restricted discretionary to controlled. This relief is recommended to be rejected by the Reporting Officer, noting that:

*While I recognise the benefits of temporary military training activities, a controlled activity status would mean the Council must grant any application for resource consent that does not comply with the rule requirements. As such, I do not consider a controlled activity status to be appropriate, as there may be circumstances where the rule requirements are being breached, such as where an applicant is seeking not to restore a site to its original condition for a long period of time, or not at all, which, may have significant adverse effects on the environment (inconsistent with TEMP-P2). As such, I consider the restricted discretionary activity status, as notified, to be more appropriate.*

- 3.2 NZDF considers a controlled activity status to be appropriate as it provides certainty to NZDF that TMTA will be granted resource consent and are able to occur. Adverse effects are temporary, and can be adequately controlled through conditions of resource consent.
- 3.3 NZDF requests the following as matters of control under TEMP-R2:
1. *loss of outlook, shading, loss of privacy and loss of amenity; and*
  2. *location and design of buildings and structure; and*
  3. *the duration of the activity, including the period buildings and structures will remain on site.*

### 4. Amend Note 2 under Rule TEMP-R2

- 4.1 NZDF seeks the deletion of Note 2 under Rule TEMP-R2. The reporting officer recommended rejecting this request noting that (Paragraph 12.8.8, S42A Report: EW, RELO, SIGN, and TEMP):

*I accept that Note 2 places no legal obligation on NZDF under the PDP to prepare a traffic management plan or to contact Waka Kotahi or the Council. However, in my opinion, it is important to inform plan users of their obligations regarding traffic management even if they are not expressly managed by the PDP or TEMP-R2. I therefore do not agree with NZDF [151.7] that Note 2 should be removed.*

- 4.2 TMTA are required to comply with the permitted activity rules and standards in the Transport chapter of the proposed Plan. Therefore, potential transport-related effects of TMTA are controlled under the Transport chapter. NZDF considers this is appropriate and that this note is not required. NZDF requests the note is deleted. If it is not deleted, then it should be amended to reflect that a traffic management plan will not always be necessary e.g.

*It is the organiser's obligation to contact the relevant road controlling authority (New Zealand Transport Agency if the activity is accessed from a State Highway, and Timaru District Council if accessed from any other roads) to arrange an*

appropriate traffic management plan **if necessary** to avoid traffic safety hazards being generated from the activity.

## Noise Chapter

### 5. Amend Performance Standards to NOISE-R3

- 5.1 NZDF seeks the inclusion of noise standards specific to TMTA (submission point 151.13). The Reporting Officer recommends rejecting NZDF's relief sought (paragraph 8.10.6, S42A Report: Noise):

*With respect to NZDF [151.13], Mr Hunt notes that the noise limits which are sought to be applied to fixed (stationary) noise sources are in many cases 5dB higher in some zones – including the GRZ, RLZ and GRUZ - than otherwise applying under Table 24 (but lower in the CMUZ and GIZ zones). He considers that fixed noise sources can be located, and if necessary screened or enclosed so as to meet the Table 2 noise limits, such that it is not unreasonable for PER-2 to require compliance with those limits for fixed noise sources. He further notes that this will ensure that the noise outcomes arising from such fixed plant will be more consistent with the PDP's objectives and policies for each receiving zone, and therefore he does not support the requested amendments to PER-2. I agree with Mr Hunt for the reasons he has given, and further note that there does not appear to be a compelling reason as to why it is appropriate to standardise noise limits across the country for fixed noise sources.*

- 5.2 NZDF has developed noise standards specific to TMTA and these have been incorporated in a number of District Plans across New Zealand. NZDF requests that its noise standards for fixed sources are used for TMTA. To improve the efficiency of Plan use, the standard should be contained directly in the rule rather than referring to standard NOISE-S2 and then to Table 24.

### Standard PER-2

- 5.3 NZDF requests that PER-2 is amended as follows:

*For fixed noise sources, NOISE-S2 is complied with; and 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) | LAeq (15 min) | LAFmax |
|-------------------------|---------------|--------|
| 0700 to 1900 hours      | 55 dB         | n.a    |
| 1900 to 2200            | 50 dB         |        |
| 2200 to 0700            | 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

### Standard PER-3

- 5.4 NZDF requests that Standard PER-3 is amended as follows:

*Any 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 a mobile noise source; and*

*Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.*

- 5.5 TMTA can be undertaken in any District in the country, and at times, across district boundaries. To assist with operational planning, NZDF is seeking consistent noise provisions in all District Plans, including the Timaru District Plan. .

### 6. Amend activity status of NOISE-R3:

- 6.1 NZDF seeks to amend the default activity status from non-complying to a single restricted discretionary activity status for non-compliance with standards NOISE-R3 PER-1 to PER-5. The Reporting Officer recommends rejecting this request (Section 42A Report: Noise, paragraph 8.10.8) on the basis that:

*With respect to activity status, for non-compliance with PER-1, I note that this relates to compliance with NOISE-S1, which requires measurement and assessment of sound to be undertaken in accordance with specified New Zealand Standards (except where otherwise stated in a rule). The non-complying activity status is applied consistently across the rules, and I do not consider this should differ where the activity is managed under NOISE-R3.*

- 6.2 NZDF opposes a separate non-complying activity status under NOISE-R3. NZDF considers that the requested matters of discretion are appropriate for the management of adverse noise effects. The need for a separate non-complying activity status when noise is not measured and assessed in accordance with NZS:6801 and NZS:6802 is unclear. A restricted discretionary status will provide the Council with the opportunity to assess the relevant effects of a proposal and decline if not appropriate.
- 6.3 This approach is also taken in most other District Plans including the Auckland Unitary Plan, Whangarei District Plan, and Partially Operative Selwyn District Plan (e.g. in the recent Partially Operative Selwyn District Plan (Appeals Version) the default activity status is restricted discretionary under NOISE-R9, where compliance is not achieved with the standards for TMTA).

## 7. 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 contact Rebecca Davies on 021 445 482 or [rebecca.davies@nzdf.mil.nz](mailto: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