

## Submission on Timaru Proposed District Plan

*Clause 6 of First Schedule, Resource Management Act 1991*

**To:** Timaru District Council  
**Address:** District Plan Review  
PO Box 522  
Timaru  
**Email:** [pdp@timdc.govt.nz](mailto:pdp@timdc.govt.nz)

**Submission by:** New Zealand Defence Force  
**Contact Person:** Rebecca Davies, Principal Statutory Planner

**Address for Service:** New Zealand Defence Force  
C/- Tonkin + Taylor  
PO Box 2083, Wellington 6140  
**Phone:** +64 21 445 482  
**Email:** [rebecca.davies@nzdf.mil.nz](mailto:rebecca.davies@nzdf.mil.nz) / [AGifford@tonkintaylor.co.nz](mailto:AGifford@tonkintaylor.co.nz)

This is a submission on the Timaru District Council Proposed District Plan 2022. The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. NZDF currently operates an Army Regional Office in Timaru (leasing a building at 444 Old North Road, Washdyke). NZDF may also need to expand or establish new facilities in the district in the future.

NZDF may also undertake temporary military training activities (TMTA) in the district from time to time. NZDF undertakes TMTA across the country as part of its function of maintaining its operational capacity and nation's security, as well as providing for the well-being, health and safety of communities. For example, NZDF undertook a large TMTA exercise in South Canterbury in 2013, known as Southern Katipo. This exercise involved personnel movements, temporary operating bases, aircraft movements and various other training activities.

NZDF provided feedback on the draft District Plan to Timaru District Council in 2020 and is pleased to see the Council has taken on board the previous feedback. NZDF broadly supports the TMTA provisions in the Proposed Plan, subject to amendments consistent with the feedback previously given. A detailed submission is attached.

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, **NZDF will consider** presenting a joint case with them at the hearing.



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Person authorised to sign on behalf of NZ Defence Force

Date: 07/12/2022

Point	Provision	Support / Oppose / Amend	Reasons	Relief sought
<b>Interpretation – Definitions</b>				
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 as notified.
2.	Definition of Noise Sensitive Activities	Support	The definition in considered appropriate.	Retain as notified.
<b>Part 2: District Wide Matters - Temporary Activities</b>				
4.	Objective TEMP-O1	Support	It is appropriate to recognise the benefits of temporary activities, including TMTA, which contribute to the wellbeing of the community.	Retain as notified.
5.	Policy TEMP-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 as notified.
6.	Policy TEMP-P2	Support with amendments	<p>This majority of this policy is supported. However, transport matters for temporary activities, including high trip generating activities, are more appropriately addressed in the Transportation chapter. Therefore, the policy does not need to address transport matters. This is consistent with submission point 15, which seeks to remove traffic safety as a matter of discretion for TMTA.</p> <p>Also, in terms of point 4, potential adverse effects from temporary activities are also temporary. Therefore, we do not consider it necessary for temporary activities to be consistent with the character and qualities of the zone in which they will occur.</p>	<p>Amend the policy as follows:</p> <p><i>Ensure that any temporary construction buildings and structures, temporary military training activities and temporary events, including those with ancillary buildings and structures, are compatible with the surrounding environment by requiring that they:</i></p> <ol style="list-style-type: none"> <li>1. <i>are for a limited duration only; and</i></li> <li>2. <i>do not result in permanent adverse effects on the environment; and</i></li> <li>3. <del><i>do not adversely affect the safety and efficiency of the transport network; and</i></del></li> <li>4. <del><i>are of a scale and location that is consistent with the anticipated character and qualities of the zone where they occur; and</i></del></li> <li>5. <i>do not have the potential to have significant adverse effects on the environment.</i></li> </ol>
7.	Explanatory note in TEMP Rules section	Support	The explanatory note is helpful to clarify that the TMTA rules take precedence over the Part 3 - Area Specific Matters.	Retain as notified.
8.	Permitted Activity Rule TEMP-R2	Support	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.	Retain as notified.
9.	TEMP-R2 Standard PER-1	Support	It is appropriate for buildings and structures to be able to remain in place if they are permitted under the relevant zone provisions. From time to time, and at the landowner's request, buildings or structures constructed as part of a TMTA may be permanent and not removed at the conclusion of the training exercise.	Retain as notified.
10.	TEMP-R2 Standard PER-2	Support with amendments	NZDF selects its proposed training sites depending on the requirements of the proposed training activity, with various sites required to accommodate the training programme and	Amend this standard as follows:

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			<p>meet Defence capability requirements (as required under the Defence Act 1990) each year. Some sites may be used more than once per year, however, the total duration of any one TMTA is unlikely to exceed a total of 31 consecutive days. Should a site be used more than once per year there will be a period in between when TMTA are not occurring. For these reasons, the 31 calendar day restriction per site, per year is considered overly onerous.</p> <p>It is appropriate to exclude any set up and pack out activities from this duration limit.</p>	<i>The duration of the activity does not exceed a total of 31 calendar consecutive days per year on any site, excluding set-up and pack-out activities</i>
11.	TEMP-R2 Standard PER-3	Oppose	<p>As outlined in standard PER-1 any buildings built as part of TMTA must comply with permitted zone rules and standards if they are to remain in place for more than 31 days, plus the 7 day pack out period. This includes the height in relation to boundary and setback standards. This is appropriate.</p> <p>Any adverse effects from buildings that do not comply with the height in relation to boundary and setback standards will be temporary. It is unclear as to why breaching these standards for a 7-day duration has been determined as acceptable, but a 31-day duration is not. Both are temporary effects.</p> <p>Having a consistent duration for TMTA and any associated buildings will be more operationally efficient for NZDF. Based on the standard as proposed, a TMTA could be undertaken on a site for 31 days as a permitted activity (e.g. establish and operate a communications facility). However, the temporary building for the TMTA to occur within may require a resource consent if it is in place for longer than 7 days. This is considered to be impractical, could undermine the purpose and intent of a particular TMTA, and create uncertainty as to whether a TMTA can occur in the format required by NZDF, ultimately impacting whether NZDF can meet its obligation under the Defence Act 1990 to maintain capability. All aspects of a TMTA should be permitted for a consistent timeframe to provide the certainty NZDF needs.</p>	Delete standard PER-3 in its entirety.
12.	TEMP-R2 Standard PER-4	Oppose	<p>The earthworks chapter of the proposed Plan permits earthworks, where the relevant permitted activity standards are complied with. TMTA must comply with these District wide earthworks rules, specifically EW-R1. Therefore, this standard is a duplication and unnecessary.</p> <p>It is also unclear as to why a TMTA-specific earthworks standard is required. The effects from excavation are the same, regardless of whether they are undertaken as part of a TMTA or another activity. Therefore, only requiring compliance with the rules and standards in the earthworks chapter is appropriate.</p>	Delete standard PER-4 in its entirety.

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			Standard EW-S4 allows 12 months for earthworks areas to be recontoured and replanted following earthworks. Conversely, TMTA is required to restore ground to its original condition in 7 days. The effects based reason for this is unclear and it is considered to be overly onerous.	
13.	Note 1 under Tule TEMP-R2	Support	Including a cross reference to the relevant noise and earthworks provisions with the Plan is helpful.	Retain as notified
14.	Note 2 under Rule TEMP-R2	Oppose	As this is a note there is no obligation on NZDF under the District Plan provisions to contact Waka Kotahi or the Timaru District Council or to prepare a traffic management plan. TMTA are required to comply with the permitted activity rules and standards in the transport chapter of the proposed Plan. Also, if TMTA are considered a high trip generation activity, resource consent is required under proposed Rule TRAN-R10. Therefore, the potential transport related effects of TMTA are controlled under the transport chapter. This is considered appropriate and this note is not required.	Delete Note 2 under Rule TEMP-R2.
15.	Restricted Discretionary rule TEMP-R2 where PER-1 or PER-2 are not met.	Oppose in part	NZDF requires certainty that it can undertake TMTA to meet its statutory obligations under the Defence Act 1990 to maintain capability. TMTA are a critical component of maintaining capability and have national benefits in terms of security and disaster preparedness. Therefore, 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.  Matters of discretion 3 - 6 are not related to breaches of standards PER-1 or PER-2 which the rule addresses and therefore should not be included.  As noted in submission point 12 and 13 earthworks and transport related effects are more appropriately controlled through the earthworks and transport chapters, which TMTA must comply with.	Amend the standard as follows:  <i>Matters of <del>discretion</del>control are restricted to:</i> <ol style="list-style-type: none"> <li>1. <i>loss of outlook, shading, loss of privacy and loss of amenity; and</i></li> <li>2. <i>location and design of buildings and structure; and</i></li> <li>3. <del>traffic safety; and</del></li> <li>4. <del>dust and sediment control; and</del></li> <li>5. <del>ground stability; and</del></li> <li>6. <del>the ability to return the site to its original condition; and</del></li> <li>7. <i>the duration of the activity, including the period buildings and structures will remain on site.</i></li> </ol>
16.	Restricted Discretionary rule TEMP-R2 where PER-3 or PER-4 are not met.	Oppose in part	As above, a controlled activity status is considered appropriate. However, as outlined above NZDF is seeking standards PER-3 and PER-4 be removed therefore the rule is no longer necessary.	Delete rule in its entirety.
<b>Part 2: District Wide Matters - Transport</b>				
17.	Rule TRAN-R10	Support	NZDF supports this rule which requires high trip generators to obtain restricted discretionary activity resource consent. This would include TMTA if they exceed the thresholds outlined in	Retain as notified.

Point	Provision	Support / Oppose / Amend	Reasons	Relief sought
			standard TRAN-S20	
18	Standard TRAN-S20	Support	NZDF supports the thresholds in this standard, namely those for 'mixed use or other activities', under which TMTA will be captured.	Retain as notified.
<b>Part 2: District Wide Matters - Transport</b>				
19.	Rule EW-R1	Support with amendments	<p>NZDF generally supports the proposed permitted activity earthworks rule.</p> <p>However, standard PER-2 is not required as direction on the process for accidental discoveries is already provided by the advice note at the end of the Earthworks chapter.</p> <p>Inclusion of the standard does not help protect archaeological sites or control adverse effects as completion of the form does not require any site-specific investigation of archaeological features. The standard only creates an administrative burden for the community to complete the form and also for Council to receive, file and acknowledge receipt.</p>	<p>Retain with the following amendments:</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i>  <del>PER-1</del>  <del>EW-S1, EW-S2, EW-S3, EW-S4 and EW-S5 are complied with;</del>  and  <del>PER-2</del>  <del>The Accidental Discovery Protocol commitment form, contained within APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, prior to the commencement of any earthworks.</del></p>
20.	APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol	Oppose	As above.	Remove appendix APP4.
<b>Part 2: District Wide Matters - Noise</b>				
21.	Policy NOISE-P2	Support	This policy seeks to mitigate noise effects from TMTA, through managing their proximity to noise sensitive activities. This is appropriate.	Retain as notified.
22.	Rule NOISE-R3, permitted activity status	Support	NZDF supports a specific permitted activity rule for TMTA noise in the District Plan	Retain as notified.
23.	Rule NOISE-R3, Standard PER-1	Support	<p>It is appropriate that noise is measured and assessed in accordance with NZS6801 and NZS6802, unless otherwise specified in the Plan.</p> <p>We note that NZS6802 is not appropriate for assessing noise from weapons firing and explosive use. Refer to submission point 22 for further detail.</p>	Retain as notified.
24.	Rule NOISE-R3, Standard PER-2	Oppose	NZDF has developed noise standards specific to TMTA and has successfully included these 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.	<p>Amend Standard PER-2 as follows:</p> <p><b>PER-2</b>  <del>For fixed noise sources, NOISE-S2 is complied with; and</del>  <del>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</del></p>

Point	Provision	Support / Oppose / Amend	Reasons	Relief sought		
				<u>Time (Monday to Sunday)</u>	<u>L<sub>Aeq</sub> (15 min)</u>	<u>L<sub>AFmax</sub></u>
			TMTA can be undertaken in any District in the country, and at times cross district boundaries. To assist with operational planning, NZDF is seeking consistent noise provisions in all District Plans, including the Timaru District Plan.	<u>0700 to 1900 hours</u>	<u>55 dB</u>	<u>n.a</u>
				<u>1900 to 2200 hours</u>	<u>50 dB</u>	
				<u>2200 to 0700 hours the next day</u>	<u>45 dB</u>	<u>75 dB</u>
				<u>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</u>		
25.	Rule NOISE-R3, Standard PER-3	Support with amendments	The standard is consistent with those developed by NZDF and previously requested. NZDF requests the addition of a note to clarify the application of this standard.	Retain as notified with the following amendments:  <i>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</i>  <u>Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.</u>		
26.	Rule NOISE-R3, Standard PER-4	Support with amendments	The proposed standards for weapons firing and explosive use are consistent with those developed by NZDF. However, Standard PER-1 requires noise to be assessed in accordance with NZS6802:2008 Acoustics – Environmental Noise. This standard should not be used to assess noise from weapons firing and explosive use as Clause 1.2.1 of the standard states that it was not designed to assess impulse sound such as gunfire and blasting due to the unique characteristics of these noise sources.	Retain as notified with the following amendments:  <i>PER-1 NOISE-S1 is complied with, except that NZS6802:2008 Acoustics – Environmental Noise shall not be used to assess noise from weapons firing and use of explosives.</i>		
27.	Rule NOISE-R3, Standard PER-5	Support	The proposed standard for helicopter landing areas is consistent with those previously requested by NZDF.	Retain as notified.		
28.	Rule NOISE-R3, restricted discretionary and non-complying activity status and matters of discretion.	Support with amendments	A restricted discretionary activity status is considered appropriate for non-compliance with Standards PER-1 to PER-5. Having two separate restricted discretionary rules is not considered to be necessary. Similarly, the need for a separate non-complying activity status when noise is not measured and assessed in accordance with NZS:6801 and NZS6802 is unclear. However, it is unlikely to have material effects on TMTA provided our requested changes in submission point 26 are accepted.  The matters of discretion are appropriate for the management of adverse noise effects.	Remove the non-complying activity rule. Have a single restricted discretionary rule for non-compliance with Standards PER-1 to PER-5 with the following matters of discretion:  <i>Matters of discretion are restricted to:</i>  <ol style="list-style-type: none"> <li>1. <i>the level, duration and nature of the noise being generated; and</i></li> <li>2. <i>proximity and nature of nearby activities and the adverse effects they may experience from the noise; and</i></li> <li>3. <i>the existing noise environment; and</i></li> <li>4. <i>effects on amenity values and anticipated character of the receiving environment; and</i></li> <li>5. <i>effects on health and well-being of people; and</i></li> <li>6. <i>any noise reduction measures; and</i></li> <li>7. <i>the practicality of mitigating noise or utilising alternative sites.</i></li> </ol>		

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				8. <u>any benefits of the activity to health and safety and the wellbeing of people and communities.</u>
<b>Part 2: District Wide Matters - Activities on the Surface of Water</b>				
29.	Rule ASW-R2	Support with amendments	From time-to-time TMTA may include the use of motorised craft on the surface of water. Any adverse effects are temporary and similar to those from search and rescue or scientific monitoring activities Therefore, they should be provided for as a permitted activity under rule ASW-R2.	Amend the rule as follows:  <i>ASW-R2: The use of motorised craft for specific environmental management, <u>temporary military training</u>, or search and rescue purposes</i>  <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>[...]</i> <i><u>PER-8</u></i> <i><u>The use is for temporary military training activities.</u></i>
<b>Part 2: District Wide Matters – Coastal Environment</b>				
30.	Rule CE-R4 6 Buildings and structures in the Coastal Erosion Overlay	Support with amendments	The majority of buildings and structures associated with TMTA will be temporary and be in place for a maximum period of 31 days. Therefore, their vulnerability to ongoing coastal erosion is low and they should be excluded from requiring a restricted discretionary consent under this rule.	Amend the rule as follows:  <i>Activity status: Permitted</i> <i>Where:</i> <i>[...]</i> <i>RDIS-3</i> <i>The extension is not to accommodate a natural hazard sensitive activity.</i>  <u>The following activities are excluded from this rule:</u> <ol style="list-style-type: none"><li><u>Buildings and structures associated with Temporary Military Training Activities that will not be in place more than 31 consecutive days, excluding set-up and pack-out activities.</u></li></ol> <i>[...]</i>