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planningstandards@mfe.govt.nz

Attention: Planning Standards Team

Feedback on Draft National Planning Standards

Introduction

The New Zealand Defence Force (NZDF) wishes to provide feedback on the draft National Planning Standards (the Standards), which the Ministry for the Environment (MfE) has sought public submissions on. NZDF acknowledges the previous engagement that it has had with MfE, which includes meetings and the provision of written feedback. NZDF looks forward to ongoing involvement in MfE's development of the Standards, including further discussions regarding the potential inclusion of specific provisions for temporary military training activities (TMTA).

Definition for Temporary Military Training Activities (CM-1)

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. NZDF has been undertaking a nationwide project seeking the inclusion of specific and nationally consistent provisions for TMTA in district and regional plans, and has made formal requests or submissions on the plans of more than 20 Councils in the last decade.

In the feedback NZDF provided to MfE on the proposed National Planning Standards pilot, NZDF requested that a definition for TMTA be included. However this has not been adopted in the draft Standards.

Part 2C of MfE's "Evaluation Report for the Proposed National Planning Standards" describes the process that MfE used to identify which terms would be defined in the standards, whereby a term was included if it was deemed to meet two or more criteria. The term "temporary military training activities (TMTA)" was assessed as meeting only Criteria 3 (relevant to infrastructure), and was not selected for inclusion on this basis.

In addition to Criteria 3, NZDF believes the term "temporary military training activities (TMTA)" also meets Criteria 1 (highly used) and Criteria 2 (common to both district and regional plans).

Appendix 1 to Part 2C explains the criteria. Criteria 1 (highly used) is stated to apply to terms that appear in over 50 percent of plans, as well as terms that will assist in the implementation of emerging best practice across the country. NZDF has undertaken a survey¹ of a sample of plans around the country and has found that the term TMTA easily meets this criteria, with the term being defined in more than 70% of the District Plans surveyed. Further supporting its

¹ NZDF sampled 58 District Plans, 11 Regional Plans, and 6 Unitary Plans, and found TMTA (or similar term) is defined in 43 (74%), 2 (18%) and 5 (83%) of those plans respectively. In addition, a number of District and Regional Plans used the term "temporary military training activities" or similar but did not contain a definition for the term.

inclusion in the Standards, a high degree of commonality in the wording of the definition was also found across existing plans, and NZDF's project of engaging with Councils around the country is likely to result in a continued increase in the use of the term within plans.

Criteria 2 relates to terms that are commonly used in both district and regional plans. Part 2C of the Evaluation Report identifies that the development of national planning standards for these terms could help improve the interface between district and regional plans. TMTA are undertaken on both land and water, including the coastal marine area, and can involve activities that are regulated within both regional and district plans. NZDF's survey found that most regional and district plans use the term TMTA or a similar term. TMTA is therefore a term commonly used in both district and regional plans, and the inclusion of a definition in the Standards would assist in the consistent interpretation of associated provisions. In NZDF's opinion, the term TMTA meets three of the criteria, and therefore qualifies for its definition to be included in the National Planning Standards.

NZDF may wish to carry out TMTA in any district or region in New Zealand, and NZDF is actively pursuing the inclusion of appropriate and specific provisions in every district, regional, and combined plan in the country. The inclusion of a standard definition in the National Planning Standards would be extremely useful and appropriate in this regard. Furthermore, NZDF has been in discussions with MfE about the future inclusion of a set of standards (including objectives, policies and rules) applying specifically to TMTA, and the early adoption of the associated definition would support this.

Accordingly, NZDF requests that the following definition for TMTA be included in the Standards:

"A temporary activity undertaken for defence purposes. Defence purposes are those undertaken in accordance with the Defence Act 1990."

Definition for Infrastructure (CM-1)

Defence facilities are regionally and nationally important, playing a significant role in both military training and civil and/ or national defence operations. The facilities are essential in enabling NZDF to fulfil its obligations under the Defence Act 1990.

As part of NZDF's project of nationwide engagement with Councils, NZDF seeks to ensure that its existing and future defence facilities are appropriately recognised and provided for in regional policy statements and regional and district plans. Key to this is the recognition of NZDF facilities as infrastructure through their explicit inclusion in definitions.

The RMA definition for infrastructure is overly limited in that it excludes a range of significant non-linear infrastructure types including defence facilities. This inadequacy has been recognised and addressed by numerous Councils which have elected to include their own broader definition for infrastructure in their plans and regional policy statements, rather than adopt the definition in the RMA.

The implication of the infrastructure definition included in the draft Standards is that a number of significant infrastructure types, including defence facilities, are not considered to be infrastructure under the Standards. Unless individual Councils opt to include additional definitions of their own to remedy this, plans and regional policy statements are unlikely to adequately recognise or provide for these significant infrastructure. This includes the exclusion of these infrastructure types from the provisions of the Infrastructure and Energy chapter. Of particular concern to NZDF is the effect this exclusion has on the protection of its facilities from reverse sensitivity effects.

Reverse sensitivity is a key resource management issue for NZDF, as it can compromise the ability of NZDF to continue its lawful operations and activities at its facilities. The District Plan Infrastructure and Energy chapter (S-IE) in the Standards is required to include “provisions to manage reverse sensitivity effects between infrastructure and other activities”, if relevant to a local authority and unless it is provided for in a special purpose zone, requirement or designation (paragraph 23.c of S-DWM: Draft District Wide Matters Standard). NZDF strongly supports the requirement for reverse sensitivity effects to be addressed within District Plans, however it is important that these provisions protect defence facilities and other infrastructure not currently included in the draft definition for infrastructure.

NZDF believes the optimal way to address these issues is to broaden the definition of infrastructure to include defence facilities, such as by adopting a definition similar to that used in the Auckland Unitary Plan – operative in part². However based on discussions with MfE to date, NZDF understands that MfE does not wish to alter definitions for terms that are already defined in the RMA, such as infrastructure. NZDF therefore offers an additional definition for either “nationally significant infrastructure” or “critical infrastructure” as follows:

Nationally significant infrastructure or Critical infrastructure: Infrastructure that provides services which have a significant effect on the wellbeing and health and safety of people and communities including, but not limited to, hospitals, airports, ports, state highways, the rail network, defence facilities and emergency response and coordination facilities.

If MfE adopts this definition (or alternative definition including defence facilities), NZDF also requests that the requirement in paragraph 23.c of S-DWM: Draft District Wide Matters Standard relating to reverse sensitivity be amended to include nationally significant infrastructure or critical infrastructure.

Definition for Reverse Sensitivity (CM-1)

NZDF strongly supports the inclusion of a definition for reverse sensitivity in the Standards, and supports the wording of the draft definition. As discussed above, the Standards require District Plans include provisions that manage reverse sensitivity effects within an Infrastructure and Energy chapter (S-IE). It is important that these provisions address reverse sensitivity effects on defence facilities, which include regionally and nationally significant training facilities and airbases.

District Wide Matters

The draft Standards require District Plans to include a General District-Wide Matters chapter (S-GDW) that contains sections for temporary activities, noise and light, earthworks (if these matters are addressed in the plan). NZDF supports this structure for District Plans, as NZDF considers these matters are most appropriately managed consistently across the district. NZDF expects that local authorities would include provisions for TMTA within the temporary activities chapter, which it considers appropriate.

² Infrastructure has the same meaning as in section 2 of the Resource Management Act 1991 and also means:

- bulk storage for wholesale or distribution purposes of natural or manufactured gas over 15 tonnes, or petroleum over 1 million litres;
- storage and treatment facilities for a water supply distribution system;
- storage, treatment and discharge facilities for a drainage or sewerage system;
- municipal landfills;
- national defence facilities; and
- facilities for air quality and meteorological services.

Noise and Vibration Metrics (CM-2)

NZDF recognises that there is often a non-consistent approach to the referencing of New Zealand Standards and the use of noise and vibration metrics across Council plans. This non-standardisation results in inefficiencies, especially the avoidable effort often required by councils and noise experts defending their approach. NZDF supports the adoption of a standardised approach to noise and vibration metrics (CM-2 and Part 2D – Noise and Vibration Metrics) subject to the consideration of the following matters.

Six noise metrics are defined in the Draft NPS and have the same meaning as in NZS 6801:2008 Measurement of Environmental Sound. These metrics are applicable to TMTA and other NZDF activities.

The L_{dn} metric is used to assess noise from NZDF aircraft activity and when assessing engine testing. The period of time over which L_{dn} is measured differs between NZ Standards: NZS 6801:2008 Acoustics - Measurement of Environmental Sound defines the L_{dn} as being the day-night average sound level for a single 24 hour period, whereas when assessing aircraft noise, NZS 6805:1992 Airport Noise Management and Land Use Planning notes that the L_{dn} is based on an extended period of time, for example a season or year (when assessing noise from engine testing, NZDF bases the L_{dn} on a five day busy period). The Port Noise Standard (NZS 6809:1999) also bases the L_{dn} on five consecutive busy days. To account for extended averaging periods such as those used by NZDF, the averaging metrics should be adaptable to the specifics of the activity. NZDF requests that the L_{dn} metric should not only have the same meaning as the 'Day night level, or day-night average sound level' in NZS 6801:2008 but should include further 'meanings' as defined in any other relevant New Zealand Standard, i.e. NZS 6805:1992 for aircraft, NZS 6807:1994 for helicopters and NZS 6809:1999 for port noise.

Other metrics may also be relevant, including those for vibration (see below), and the definitions included in CM-1 should not preclude the use of more appropriate metrics or locally defined terms for specific activities.

There is no vibration standard within New Zealand and the exclusion of vibration from the list of Standards is not unexpected. Whilst German Standard DIN 4150-3 1999 structural vibration is referenced, and is the most relevant international standard for this type of vibration, there is no standard relating to the amenity effects on people. NZDF activities can result in vibration felt by people typically from airborne sound from explosions, artillery and detonations. This 'blast over-pressure' can be perceived as vibration and is felt by people rather than resulting in a structural vibration effect. International Standards are often used to assess amenity effects but there is no standardisation within New Zealand. NZDF would welcome the inclusion of a comparable vibration standard(s) within CM-2.

With regards to structural vibration assessment, the latest version of DIN 4150-3 should be referenced, 2016 rather than 1999 that is currently referenced in CM-2.

NZDF requests that CM-1 should include appropriate definitions for vibration as defined in relevant standards, such as BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration or DIN 4150-3:2016 Vibration in buildings - Part 3: effects on structures. Relevant metrics for structural and human assessment are:

- Peak particle velocity (ppv) – instantaneous maximum velocity reached by a vibrating element as it oscillates about its rest position (structural),
- Vibration dose value (VDV) – measure of the total vibration experienced over a specified period of time (human).

Table 30 of CM-2 neglects to include NZS 6807:1994 Helicopter Noise Management and Land Use Planning for Helicopter Landing Areas. This Standard, whilst not intended to apply to infrequently used helicopter landing areas, does apply to a number of NZDF sites which experience regular helicopter movements and is currently referenced in many district plans. NZDF recognises that this Standard is almost 25 years old and some elements may no longer be best practice, but in the absence of any other guidance, NZDF requests the inclusion of this Standard to assess and rate the noise from helicopter operations.

Designation chapter (S-DES)

In its earlier feedback on the Standards under development, NZDF identified a practical issue with the requirement that a legal description be provided for all designations. This is on the basis that designations such as noise contours and obstacle limitation surfaces cover hundreds, if not thousands, of properties. Including the legal description of every property within the designation boundary would be administratively challenging and extremely problematic. It appears that the draft NPS now requires that a site is identified by its legal description, and/or physical address, and/or site name/description. NZDF supports this more practical approach.

Draft Mapping Standard F-2

A standardised symbol is proposed for designations in District Plan maps, being a geometry polygon with no fill and containing the designation identifier. NZDF supports a standardised symbol as it will assist in easily identifying designations in planning maps. However, designations which extend over large areas, such as Obstacle Limitation Surfaces designations for airports, could be overlooked at large map scales if they are represented by an outline only. NZDF requests that designation polygons be required to contain some type of fill, such as a transparent fill, hatching, or stippling.

Draft Spatial Planning Tools (District) Standard F-4

This standard proposes that designations should be shown on District Plan maps as either a polygon or point data. So that designations are easily identifiable, NZDF considers it best if the full extent of designation boundaries are shown on District Plan maps as a polygon, rather than point data which wouldn't show the extent of the designation boundary. This is especially important for designations extending over large areas such as Obstacle Limitation Surface designations for airports. NZDF requests that designations are only shown as polygons.

Next steps

NZDF would like to continue being included in the development of the Planning Standards. As previously discussed with MfE, NZDF would like to propose the inclusion of specific provisions for TMTA in a future version of the Planning Standards, and to develop these standards collaboratively between NZDF, MfE and technical specialists. Please contact the undersigned if you wish to discuss any aspect of this feedback.

Yours sincerely



Senior Environmental Officer (Planner)
Defence Estate and Infrastructure
New Zealand Defence Force

