



New Zealand Defence Force
Defence Estate and Infrastructure
NZDF Headquarters
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Submission on Proposed Lower Hutt District Plan

Clause 6 of First Schedule, Resource Management Act 1991

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Broad submission points

1. This is a submission by the New Zealand Defence Force (NZDF) on the Proposed Lower Hutt District Plan (proposed District Plan).
2. NZDF has military interests throughout New Zealand. While NZDF does not currently have any NZDF owned facilities within the Lower Hutt district, NZDF does lease facilities within the district, and this does not preclude the potential for NZDF to need facilities in this district at some point in the future. Trentham Military Camp is also in the neighbouring Upper Hutt district, which means there is a military presence in the wider Wellington region.
3. A key matter of importance to NZDF is the appropriate provision for temporary military training activities (TMTA) within the District Plan. NZDF engages in statutory processes seeking appropriate and consistent rules for TMTA in all District Plans throughout the country to enable it to meet its statutory purposes and Government expectations.
4. 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.
5. TMTA are critical to maintaining 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.
6. 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 TMTA is provided in Attachment 2.

7. 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”. “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.
8. 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 be included in all zones in a District Plan, either in a general chapter (preferred for ease of Plan use and clarity) 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 effects. NZDF has commissioned professional acoustic advice and developed a set of noise standards specific to TMTA that it has been seeking to be included in every District plan in NZ.
9. The matters above identify broad submission points on the Proposed Lower Hutt District Plan. In addition, and to further assist (but not limit the points above), specific provisions NZDF wishes to see amended in the Proposed Lower Hutt District Plan are set out in the attached table. NZDF seeks relief that addresses the points above, as well as in the attached table, including any such further alternative or consequential relief as may be necessary to fully give effect to this submission.
10. NZDF **could not** gain an advantage in trade competition through this submission.
11. NZDF **wishes to be heard** in support of this submission.
12. If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.

2/05/2025

Catherine AC

pp _____

Date _____

Person authorised to sign
on behalf of New Zealand Defence Force

The following table sets out the decisions sought by NZDF, including specific amendments to the provisions of [plan change] (shown in underline and ~~strike through~~) and further reasons for NZDF's support or opposition to these provisions, in addition to those set out in the body of this submission (above).

Point	Provision	Support/ Oppose	Reasons	Relief Sought <small>*While this column identifies specific relief sought, additional or consequential amendments, or wording to similar effect, may be required in order to address the points raised by NZDF in the broad submission above or the specific points below.</small>
Interpretation - Definitions				
1	Definitions - Infrastructure	Oppose in part	NZDF seeks that defence facilities are included in the definition of infrastructure. Defence facilities are critical for New Zealand's security and for the safety and well-being of the community. As such, they should be identified as infrastructure. This is consistent with a number of District Plans throughout New Zealand. While NZDF does not currently have facilities within the Lower Hutt District, this does not preclude the potential for NZDF to need facilities in this district at some point in the future.	Amend the definition of infrastructure to refer to defence facilities.
2	Activity less sensitive to natural hazards	Support in part	NZDF supports the inclusion of a definition for activities less sensitive to natural hazards. NZDF requests that this definition is amended to provide for buildings and structures associated with temporary activities (which includes TMTA). These buildings are temporary and should not be subject to the controls applied to permanent buildings/structures.	Amend the definition so that TMTA are recognised as activities less sensitive to natural hazards. Suggested wording is set out below: Activity less sensitive to natural hazards: ... <u>f. Buildings and structures associated with temporary activities.</u>
3	Temporary activity	Support in part	This definition includes 'military training'. NZDF seeks a policy framework that is specific to TMTA as sought in other	Ensure plan provisions clearly recognise and provide for temporary activities and TMTA.

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			submission points. However, if this relief is declined, NZDF supports TMTA being included in the definition to ensure that provisions enabling and supporting TMTA are retained in the Plan.	Include specific provisions for TMTA or in the alternative if this relief is declined, ensure that temporary activity provisions provide for TMTA.
4	Temporary Military Training Activity		NZDF seeks the inclusion of the definition of Temporary Military Training Activity as per the National Planning Standards. While there are no defence facilities in the district, TMTA may be undertaken within the district.	<p>Insert a definition for TMTA. Suggested wording is set out below:</p> <p><i>means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:</i></p> <ul style="list-style-type: none"> <i>a. the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;</i> <i>b. the protection of the interests of New Zealand, whether in New Zealand or elsewhere;</i> <i>c. the contribution of forces under collective security treaties, agreements, or arrangements;</i> <i>d. the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;</i> <i>e. the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;</i> <i>f. the provision of any public service</i>

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5	Definitions – Regionally Significant Infrastructure	Support in part	Defence facilities are nationally and regionally significant and are critical to enabling NZDF to meet Defence purposes under the Defence Act 1990. NZDF is seeking nationally consistent provisions to ensure defence facilities and infrastructure are appropriately recognised and provided for in District and Regional Plans around the country. Defence facilities are key strategic infrastructure of national and regional importance. NZDF facilities enable people and communities to provide for their wellbeing through their varied activities, including national security and assisting the civil powers in emergencies.	Amend the definition of infrastructure to include 'defence facilities' as follows: Regionally significant infrastructure includes: ... <u>(k) "defence facilities"</u>
6	Definitions – Activity sensitive to noise	Support	This definition includes the appropriate and relevant noise sensitive activities in relation to the Plan provisions.	Retain approach set out in definition.
7	Definitions – Reverse sensitivity	Support in part	NZDF supports the inclusion of the definition of reverse sensitivity. NZDF does not operate any sites within the Lower Hutt District. However, NZDF sites elsewhere in New Zealand are often subject to reverse sensitivity issues, due to encroaching residential development. Therefore, it is important that 'reverse sensitivity' is defined in the plan.	Amend definition of reverse sensitivity to address submission point. Suggested wording of reverse sensitivity is set out below: <i>The potential for an existing lawful activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the lawfully established existing activity.</i>

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			NZDF requests that the definition is amended for clarity to plan users.	
SD - Strategic Direction				
8	INFSD-O3	Support	NZDF supports this objective which recognises the importance of protecting nationally and regionally significant infrastructure. While NZDF does not currently have facilities in the Lower Hutt District, this does not preclude the potential for future facilities to be located within this district. Providing for nationally and regionally significant infrastructure in the District Plan policy framework is appropriate.	Retain approach set out in objective.
INF - Infrastructure				
9	INF-O1, INF-O2, INF-P1, INF-P2	Support	It is important to recognise the national, regional and local benefits of infrastructure, while acknowledging that infrastructure can have adverse effects on the environment which need to be managed appropriately.	Retain approach set out in policy framework.
PINF - Protection of infrastructure				
10	PINF-O1	Support	NZDF supports a policy framework which provides for the operation of infrastructure, protecting it from the adverse effects of subdivision, use and development. This is important as infrastructure can be affected by the establishment of new development in close proximity.	Retain approach set out in objective.
11	PINF-P1	Support	NZDF supports Policy PINF-P1 relating to the protection of regionally significant	Retain approach set out in policy. .

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			infrastructure from incompatible subdivision, use and development. On the basis that NZDF's requested amendments to the definition of regionally significant infrastructure are adopted, this policy would provide defence facilities with appropriate support and protection.	
12	PINF-PX	Support in part	The current policy framework addresses adverse effects on gas transmission infrastructure and on the National Grid. These provisions do not recognise the importance of protecting other forms of non-linear infrastructure including, but not limited to defence facilities, water and wastewater treatment plants. NZDF seeks the inclusion of a broader policy which provides for the management of reverse sensitivity effects from development on the function and operation of regionally significant infrastructure.	Insert new policy to address reverse sensitivity effects on non-linear infrastructure. Suggested wording of policy is set out below: <i>PINF-PX: Reverse sensitivity Avoid incompatible activities that may affect or cause reverse sensitivity effects on the efficient operation, maintenance, repair, replacement, upgrading, renewal, or development of regionally significant infrastructure.</i>
NH - Natural Hazards				
13	NH-P1, NH-P2	Support	A risk-based approach to development within hazard areas is appropriate, along with a policy framework which recognises that some activities need to be located within areas at risk of natural hazards, due to operational and functional needs.	Retain approach set out in policy.
	NAT-R10	Support	TMTA may require the placement of temporary buildings and structures in flood hazard areas to enable realistic training. It	Retain approach set out in rule framework.

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			is important that these temporary structures are provided for as a permitted activity. On the basis that temporary structures are included in the definition of activities least sensitive to natural hazards, this policy is supported.	
NATC - Natural Character				
14	NATC-P4	Support	NZDF supports this policy which provides for use and development where there is a functional or operational need to be located within riparian or coastal margins.	Retain approach set out in policy.
15	NATC- R7	Support	NZDF supports a permitted activity rule for the construction of buildings and structures within coastal margins and riparian margins. It may be necessary to install temporary structures in the CMA to support military training activities. NZDF therefore supports provision for temporary structures as a permitted activity.	Retain rule providing for buildings and structures within coastal and riparian areas.
PC - Public Access				
16	PA-P3	Support	Public access may need to be restricted at times, such as during activities undertaken by NZDF. NZDF therefore supports the provision for public access to be excluded from areas for health and safety reasons, or reasons which would conflict with defence activities/TMTA.	Retain policy providing for restrictions on public access for health and safety reasons.
ASW - Activities on the surface of water				

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17	ASW-R2	Support in part	NZDF supports the inclusion of a permitted activity rule for the use of motorised watercraft. NZDF requests that the rule is amended to explicitly provide for the statutory functions of a government department or local government body.	Amend Rule ASW-R2 as follows or wording to similar effect: ASW-R2 - Motorised activities on the surface of water bodies ... Where: <u>c. the activity is to undertake the statutory functions of a government department or local government body.</u>
CE - Coastal Environment				
28	CE-R7	Support	TMTA may require the placement of temporary buildings and structures in the coastal environment to enable training exercises such as beach landings. NZDF support a permitted activity rule which provides for new buildings and structures within the coastal environment.	Retain rule providing for new buildings and structures within the coastal environment.
EW - Earthworks				
19	EW-R2	Support	Due to the broad nature of TMTA, NZDF may require earthworks for some TMTA-related activities and therefore will fall under this rule. NZDF supports the permitted threshold for earthworks and land disturbance and associated conditions.	Retain rule providing for earthworks as a permitted activity district wide.
NOISE – Noise				
20	NOISE-O2	Support	NZDF supports the recognition of reverse sensitivity as an issue and the direction to avoid constraining the operations of existing and future noise generating activities from	Retain approach set out in objective.

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			inappropriate location or design of noise sensitive activities.	
21	NOISE-P1	Oppose	Temporary activities may produce temporary noise effects which are not consistent with the typical amenity values of the receiving environment, however, such effects are by nature temporary, and therefore should be provided for notwithstanding of the amenity values of the receiving environment. That approach is consistent with the relief sought by NZDF regarding TEMP-PX, which anticipates that adverse effects on amenity values are remedied or mitigated.	Amend approach set out in the policy to provide for noise effects caused by temporary activities.
22	NOISE-RX		<p>NZDF requests a specific permitted activity rule for noise from TMTA and that this applies on a district wide basis / across all zones in the plan. As outlined in the introduction to this submission, military training activities form an important element of the activities NZDF undertakes for statutory Defence purposes.</p> <p>NZDF has developed TMTA-specific noise standards which have been included in numerous other District Plans. NZDF requests that these standards are included in the Proposed Lower Hutt District Plan.</p>	<p>Please refer to Attachment 1 for requested changes to the noise Standards associated with TMTA.</p> <p>Note: These are an updated and simplified version of NZDF's bespoke TMTA standards.</p>

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			<p>NZDF has commissioned independent expert advice and developed noise standards it wishes to see incorporated into District Plans. A copy of these noise standards in the Proposed Lower Hutt District Plan format is attached (Attachment 1). These standards cover all TMTA activities in a single, concise location, assisting with efficient plan interpretation.</p> <p>In summary, for weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). The setback distances have been developed on a conservative basis to ensure the protection of residential amenity. The distances 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. Where these separation distances cannot be met, then the noise limits are required to be met, noting these limits are</p>	

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			<p>notable lower than the standard limit of 120dB LZpeak in District Plans for blasting activities.</p> <p>TMTA that do not meet the permitted activity standards should be provided for as a controlled activity. Controlled activity status provides a level of certainty to NZDF that an activity can proceed and allows Council the control to ensure relevant effects (being noise) are appropriately managed.</p>	
TEMP - Temporary Activities				
	TEMP - Introduction	Support	NZDF supports the application of overriding district wide matters such as temporary activities. This provides certainty around the application of district wide matters with regard to zone provisions and rules.	Retain 'district wide' approach for temporary activities.
23	TEMP-P1	Support	It is appropriate to recognise the benefits of temporary activities which contribute to the social, economic and cultural well-being of communities.	Retain approach set out in policy. .
24	TEMP-P2	Support	It is important to recognise the minor adverse effects of temporary activities.	Retain approach set out in policy. .
25	TEMP-PX	Support in part	NZDF supports these objectives and policies for temporary activities but requests a policy framework specific to TMTA.	<p>Ensure that the policy framework recognises and provides for TMTA. Insert a new policy that provides for TMTA. Suggested wording set out below:</p> <p><i>TEMP-PX: Provide for temporary military training activities and emergency service training activities wtehere</i></p>

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				<i>adverse effects on the amenity values of the site and the surrounding area are remedied or mitigated.</i>
26	TEMP-RX		<p>NZDF requests a separate rule within the Temporary Activities Chapter that provides for TMTA. Due to the nature of TMTA and the need for NZDF to train in unfamiliar real-world situations, TMTA may be undertaken in any zone within a city / district. TMTA should be provided for as a permitted activity in all locations, subject to appropriate noise standards which are provided in Attachment 1. Due to the temporary and specialised nature of TMTA, NZDF considers that it is generally appropriate that TMTA be exempt from other rules in other chapters of the plan.</p> <p>NZDF must undertake training in order to fulfil its statutory purposes under the Defence Act 1990. Including provision for TMTA as permitted activities provides certainty that such activities can take place when required, while providing adequate protection of the environment through compliance with noise standards.</p> <p>Including a permitted activity rule that provides for TMTA in all zones in Lower Hutt would also ensure a consistent approach to TMTA is adopted nationwide. Many District</p>	<p>Insert new permitted activity rule for TMTA in the Plan. It is NZDF's preference for this to be within a general district wide chapter that applies across all zones.</p> <p>TEMP-RX Temporary Military Training Activities <i>All Zones Activity status: Permitted</i> <i>Where:</i></p> <ol style="list-style-type: none"> <i>1. The activity is carried out pursuant to the Defence Act 1990; and</i> <i>2. The activity is carried out for no longer than 31 days on the site in any one calendar year, excluding set up and take down which can occur one week immediately prior to and one week immediately following the activity; and</i> <i>3. The site is returned to its original condition, no more than ten days after the end of the activity; and</i> <i>4. The activity complies with the temporary military training provisions in the Noise Chapter.</i> <p><i>Activity status: Controlled</i></p> <p><i>Where compliance is not achieved.</i></p> <p><i>Matters over which Council has reserved control:</i></p> <ol style="list-style-type: none"> <i>1. The effect of the activity on amenity values of surrounding properties</i> <i>2. The extent and effect of non-compliance with any relevant rule or effects standards</i>

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			<p>Plans around the country are being or have been reviewed and NZDF is engaging in those review processes to ensure that where training activities might be subject to controls through a District Plan, those controls are consistent, and that compliance is simply achieved and assessed.</p> <p>NZDF requests a duration of 31 days for TMTA. A permitted duration of 31 days for TMTA is provided in other Plans around the country. This provides national consistency and certainty for NZDF and provides NZDF sufficient scope to undertake most TMTA activities, while also providing Council with certainty that the activity is temporary.</p>	<p>3. <i>Whether information about the event has been or is proposed to be provided to surrounding properties.</i></p>

Attachment 1: Temporary Military Training Activities (TMTA) noise standards

NOISE-RX	Emission of noise from Temporary Military Training Activities																		
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>1. Noise from TMTA involving weapons firing and/or the use of explosives</p> <p>a. The activity occurs at the minimum separation distance from noise-sensitive activities set out below:</p> <table data-bbox="432 629 906 772"> <tr> <th>Time</th><th>Min. distance</th></tr> <tr> <td>7.00 am – 7.00 pm</td><td>500 m</td></tr> <tr> <td>7.00 pm – 7.00 am</td><td>1,250 m</td></tr> </table> <p>b. Where the minimum separation distances from noise-sensitive activities cannot be met, then the activity shall comply with the following peak sound pressure levels:</p> <table data-bbox="432 896 906 1039"> <tr> <th>Time</th><th>Noise limit</th></tr> <tr> <td>7.00 am – 7.00 pm</td><td>95 dBC</td></tr> <tr> <td>7.00 pm – 7.00 am</td><td>85 dBC</td></tr> </table> <p>c. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.</p> <p>d. The daytime (7.00 am – 7.00 pm) assessment location is at or within the notional boundary of a building containing a noise sensitive activity.</p> <p>e. The night-time (7.00 pm – 7.00 am) assessment location is 1 m from the façade of a building containing a noise sensitive activity in any zone. <i>Note – no façade correction is applied when assessing noise 1 m from the façade of a building.</i></p> <p>2. Noise from all other TMTA sources</p> <p>a. The activity shall comply with the following noise levels:</p> <table data-bbox="432 1503 963 1682"> <tr> <th>Time</th><th>Noise limit</th></tr> <tr> <td>7.00 am – 7.00 pm</td><td>55 dB LAeq(15 min)</td></tr> <tr> <td>7.00 pm – 7.00 am</td><td>45 dB LAeq(15 min) 75 dB LAFmax</td></tr> </table> <p>b. The daytime (7.00 am – 7.00 pm) assessment location is at or within the notional boundary of a building containing a noise sensitive activity.</p> <p>c. The night-time (7.00 pm – 7.00 am) assessment location is 1 m from the façade of a building containing a noise sensitive activity in any zone. <i>Note – no façade correction is applied when assessing noise 1 m from the façade of a building.</i></p>	Time	Min. distance	7.00 am – 7.00 pm	500 m	7.00 pm – 7.00 am	1,250 m	Time	Noise limit	7.00 am – 7.00 pm	95 dBC	7.00 pm – 7.00 am	85 dBC	Time	Noise limit	7.00 am – 7.00 pm	55 dB LAeq(15 min)	7.00 pm – 7.00 am	45 dB LAeq(15 min) 75 dB LAFmax
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7.00 pm – 7.00 am	45 dB LAeq(15 min) 75 dB LAFmax																		
All zones	2. Activity status: Controlled																		

	<p>Where:</p> <ul style="list-style-type: none">a. Compliance is not achieved with NOISE-RX <p>Matters of control are limited to:</p> <ul style="list-style-type: none">1. The effect of the activity on amenity values of surrounding properties2. The extent and effect of non-compliance with any relevant rule or effects standards3. Whether information about the event has been or is proposed to be provided to surrounding properties
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Attachment 2 – Temporary Military Training Activities Information Sheet

1.0 The New Zealand Defence Force (NZDF) is required to undertake training activities in order to meet statutory purposes under section 5 of the Defence Act 1990.

2.0 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.

3.0 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.

4.0 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.

5.0 Defence personnel also train within NZDF owned properties, military camps and bases. However, it is essential that defence personnel 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.

6.0 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.

7.0 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.

8.0 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.

9.0 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”.

10.0 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.