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BEFORE THE ENVIRONMENT COURT  
HELD AT WELLINGTON

ENV-2019-WLG

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IN THE MATTER OF                      Resource Management Act 1991

AND IN THE MATTER OF              An appeal pursuant to clause 14 of the First  
Schedule of the Resource Management Act  
1991 against the decision of the Taranaki  
Regional Council in respect of the Proposed  
Coastal Plan for Taranaki

BETWEEN                                THE MINISTER OF DEFENCE

    Appellant

AND                                         TARANAKI REGIONAL COUNCIL

    Respondent

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**NOTICE OF APPEAL**

18 November 2019

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**CROWN LAW**  
TE TARI TURE O TE KARAUNA  
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To The Registrar  
Environment Court  
**WELLINGTON**

1. The Minister of Defence (**Minister**) appeals against parts of a decision of the Taranaki Regional Council (**Council**) on the following plan:
  - Proposed Coastal Plan for Taranaki (**Proposed Plan**).
2. The Minister through the New Zealand Defence Force (NZDF) made a submission and further submission on the Proposed Plan and appeared at the hearing.
3. The Minister is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. The Minister received notice of the decision on the Proposed Plan on 5 October 2019.
5. The decision was made by Council.

### **The Appeal**

6. The Minister is appealing the following parts of the Council's decision:
  - 6.1 The decision to include more stringent noise standards for Temporary Military Training Activities (**TMTA**) than those proposed in the Minister's primary submission.
  - 6.2 The definition of TMTA, which mistakenly refers to "threats" where it should refer to "treaties".

### **Reasons for the Appeal**

7. The reasons for the appeal are as follows:
  - 7.1 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. TMTA are essential in maintaining capability so that NZDF is ready to respond to a wide range of national and international situations. Undertaking such training is

implicit in the Governor General's power to raise and **maintain** armed forces under section 5 of the Defence Act 1990.<sup>1</sup>

- 7.2 Activities involving discharge of ammunition generate noise that has quite specific characteristics and requires specific management to avoid unnecessary effects on nearby residences. NZDF wishes to make sure that the noise standards included in the Proposed Plan are up-to-date, appropriate for the type of noise generated, and are reasonably simple to understand and to plan for and assess compliance.
- 7.3 Based on specialist acoustic advice, NZDF developed proposed permitted activity standards that provide a holistic means of managing and mitigating all types of noise that might be generated by TMTA, conducted both on land and in the Coastal Marine Area. These proposed noise standards have been adopted in several district and regional plans throughout the country and were included as Attachment A to the Minister's primary submission. The Minister's primary submission is included as **Annexure A** to this notice of appeal.
- 7.4 The effect of the noise standards proposed by NZDF is that activities involving weapons firing and/or the use of explosives would have to comply with the relevant minimum separation distance to the notional boundary of any building housing a noise sensitive activity. These minimum separation distances were developed by an acoustic expert. Where the minimum separation distances specified cannot be met, then the activity would have to comply with the relevant peak sound pressure level.
- 7.5 The decisions version of the Proposed Plan at Standard 8.6.3(c)(ii) requires that noise resulting from live firing, firing of blanks, or use of explosives complies with both the minimum separation distance and

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<sup>1</sup> Such training also provides personnel training in search and rescue, infrastructure support, civil defence response training and training for flood response.

the relevant peak sound pressure level. This is unduly restrictive and is contrary to the purpose of including minimum separation distances in the noise standards proposed by NZDF, which was for ease of planning for and assessing compliance.

7.6 Further, the noise standards proposed by NZDF set out different noise levels for mobile noise sources and fixed (stationary) noise sources. Under Standard 8.6.3 (c)(i) of the Proposed Plan, these two sources have been combined into one standard for “all activities excluding live weapons firing, firing of blanks or explosives”. This has resulted in more stringent noise standards for mobile noise sources than those developed by NZDF.

7.7 The Taranaki Regional Council Report on Decisions Requested<sup>2</sup> sets out that:

*The Council agrees to the relief sought by the submitter [...]. The submitter has suggested the inclusion of noise standards prepared specifically to address temporary military training activities and which the submitter has successfully sought to be included in district and regional coastal plans nationally. It is the Council's view that the noise standards proposed by the submitter will protect residential amenity values adjoining the coastal marine area.*

7.8 The differences between the noise standards in the decisions version of the Proposed Plan and those put forward in the Minister's primary submission may therefore simply be the result of a drafting error. NZDF commissioned professional acoustic advice to develop standards to control noise effects from TMTA, and the Council has agreed that these standards are appropriate. The Minister therefore seeks that the proposed noise standards at Attachment A to the Minister's primary submission are accurately reflected in the Proposed Plan.

7.9 There is a further drafting error in the Proposed Plan in regard to the definition of TMTA. Paragraph c of this definition mistakenly refers to “collective security threats” where this should read “collective

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<sup>2</sup> Taranaki Regional Council Report on Decisions Requested, dated 24 September 2019, page 471.

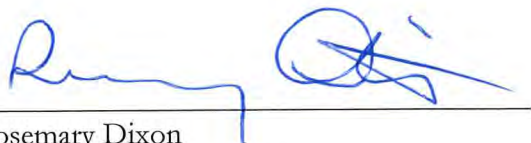
security treaties”. This wording is in line with Section 5 of the Defence Act 1990 and the definition included in the National Planning Standards. The Minister requests that this error is corrected.

### Relief Sought

8. The Minister seeks the following relief (or drafting to same or similar effect):
  - 8.1 That the proposed noise standards at Attachment A to the Minister’s primary submission are accurately reflected in the Proposed Plan, including:
    - 8.1.1 Removing the requirement for noise resulting from live firing, firing of blanks, or use of explosives to comply with both the minimum separation distance and the relevant peak sound pressure level. Noise from activities involving weapons firing and/or the use of explosives should only be required to comply with peak sound pressure levels in situations where the minimum separation distances cannot be met.
    - 8.1.2 Including separate noise levels for mobile noise sources and fixed (stationary) noise sources in accordance with the proposed noise standards at Attachment A to the Minister’s primary submission.
  - 8.2 Amendment to the definition of TMTA to correct the drafting error set out in paragraph [7.9] above.
  - 8.3 Any further or consequential amendments to the Proposed Plan that are required to give effect to the relief sought in this appeal.
9. The following documents are **attached** to this notice:
  - 9.1 A copy of the Minister/NZDF’s submission and further submission on the Proposed Plan (**Annexure A**).
  - 9.2 A copy of the relevant parts of the Council’s decision (**Annexure B**).

9.3 A list of names and addresses of persons to be served with a copy of this notice (**Annexure C**).

18 November 2019



Rosemary Dixon  
Counsel for the appellant

This notice of appeal is filed by Rosemary Helen Dixon, Senior Crown Counsel, solicitor for the appellant, of Crown Law.

The address for service of the appellant is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the appellant may be left at this address for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (c) transmitted to the solicitor by facsimile to 04 473 3482; or
- (d) emailed to the solicitor at [rosemary.dixon@crownlaw.govt.nz](mailto:rosemary.dixon@crownlaw.govt.nz).

## Advice to recipients of copy of notice of appeal

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (*see* [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991).

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* [form 38](#)).

The copy of this notice served on you does not attach a copy of the appellant's submission and the part of the decision appealed. These documents may be obtained, on request, from the appellant.

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## Attachment A: Noise Standards for Temporary Military Training Activities

**General Standard xx:** Temporary Military Training Activities in the coastal marine area shall comply with the following noise standards:

*Note: When the background sound level exceeds the limits set out below (due to noise of the sea, wind noise, traffic noise or other uncontrollable types of noise), the limits will not apply but every person will remain under the duty to avoid unreasonable noise in section 16 of the RMA.*

### 1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 500m  
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 95 dBC  
1900 to 0700 hours: 85 dBC

### 2. Mobile noise sources

Shall 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 mobile noise sources\*.

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

### 3. 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)         | L <sub>Aeq</sub> (15 min) | L <sub>AFmax</sub> |
|---------------------------------|---------------------------|--------------------|
| 0700 to 1900 hours              | 55 dB                     | n.a.               |
| 1900 to 2200 hours              | 50 dB                     |                    |
| 2200 to 0700 hours the next day | 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.

### 4. Helicopter landing areas

Shall comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*\*.

\* Noise levels shall be measured in accordance with NZS6801:2008 *Acoustics – Measurement of Sound*.



**ANNEXURE A**

**Submission and further submission**

## Submission on the Proposed Coastal Plan for Taranaki Taranaki Regional Council

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

**To:** Taranaki Regional Council  
**Address:** Private Bag 713  
**Stratford 4352**  
Submitted online

**Submission by:** New Zealand Defence Force  
**Contact Person:** Rebecca Davies, Senior Environmental Officer

**Address for Service:** New Zealand Defence Force  
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PO Box 2083  
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### Preliminary Matters

This is a submission on the Proposed Coastal Plan for Taranaki (the Plan).

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand, including the Military Operational Area M302 located off the Taranaki Bight partly within the jurisdiction of the Proposed Coastal Plan for Taranaki. NZDF may also undertake temporary military training activities (TMTA) in the Taranaki region.

Training activities undertaken in and around the coastal area could include amphibious landings (where personnel are deployed to shore from sea and air), infrastructure support (sourcing potable water), search and rescue exercises, among others. These important training activities ensures that NZDF has a successful deployed joint force that can deal with any of the possible scenarios NZDF faces, both within New Zealand and overseas, including natural disasters and humanitarian crises.

This submission relates to the provisions relevant to NZDF interests including TMTA undertaken by NZDF, as they apply to the coastal environment.

**Submission and decisions sought**

NZDF's submission including the decision sought from Council on each of the matters raised in this submission are detailed on the attached sheet.

*N Davis*

Date 27/04/18

\_\_\_\_\_  
Person authorised to sign  
on behalf of New Zealand Defence Force

Table 1: NZDF submission

| Point              | Provision   | Support/ Oppose | Reasons  | Relief Sought   |
|--------------------|---|-----------------|--|---|
| <b>Definitions</b> |   |                 |  |   |
| 1                  | Definition of regionally important infrastructure | Support         | The proposed definition of 'regionally important infrastructure' include defence facilities (point (e)) which is appropriate.  | Retain the definition as notified.  |
| 2                  | Definition of Military Training                   | Support in part | The definition of "military training" is appropriate and is generally consistent with the definition contained within other regional plans nationwide. Defining this term in the Plan provides clarity in the application of the underlying provisions in the Plan. However, NZDF requests that the activity is described as 'temporary military training activities', and this wording is used throughout the Plan. Currently, various terms including "military training activities" and "temporary military training activities" are used in the Plan, which may be confusing for users. Consistent terminology would assist readability of the Plan. | Retain the definition as notified.<br><br>Amend the definition and terminology used throughout the Plan to consistently refer to 'temporary military training activities'.  |
| 3                  | Definition of biofouling                          | Support         | NZDF supports the proposed definition for biofouling.  | Retain the definition as notified.<br><i>Biofouling means the aquatic organisms such as micro-organisms, plants and animals that have accumulated on surfaces and structures immersed in or exposed to the aquatic environment.</i> |
| <b>Objectives</b>  |   |                 |  |   |
| 4                  | Objective 2                                       | Support         | This objective recognises that some activities depend on being located within the coastal area (where located appropriately), while also aiming to ensure that coastal resources are used appropriately and efficiently.   | Retain objective as notified.   |
| 5                  | Objective 3                                       | Support         | This objective provides for the operation of infrastructure and lawfully established activities, protecting them from new or   | Retain objective as notified.   |

| Point           | Provision | Support/<br>Oppose | Reasons  | Relief Sought  |
|-----------------|-----------|--------------------|--|--|
|                 |           |                    | inappropriate use and development (reverse sensitivity effects). This is important as infrastructure and activities can be affected by new development being located in proximity to them. The NZDF Military Operational Area M302 is partly within the Taranaki region and should be protected from inappropriate use and development.  |  |
| <b>Policies</b> |           |                    |  |  |
| 6               | Policy 6  | Support            | This policy recognises activities that provide for the wellbeing of the local community. NZDF considers this includes temporary military training activities (TMTA) as this training activity ensures the defence force personnel are appropriately trained to respond to events both in New Zealand and overseas. Having a properly trained defence force is essential to ensuring the nation's security and therefore this should be provided for in the Plan's policy framework. On this basis Policy 6 is supported. | Retain policy as notified.   |
| 7               | Policy 17 | Support            | This policy aims to protect public access to the coastal marine area, which is appropriate. However, there may be times where public access needs to be restricted, including during activities undertaken in accordance with the Defence Act 1990, as noted in clause c(vi) of this policy.   | Retain this policy, in particular clause c(vi), as notified.                                       |
| 8               | Policy 22 | Support            | NZDF may undertake training activities involving the use of potable water treatment units, which may include the subsequent discharge of contaminants to coastal waters. This policy is considered to provide for these activities, while having regard to the appropriate parameters and outcomes.  | Retain policy as notified.   |
| 9               | Policy 28 | Support            | This policy provides for the cleaning and maintenance of structures and ships, while minimising the risk of the introduction and/or spread of harmful aquatic organisms, which is appropriate.   | Retain policy as notified.   |
| 10              | Policy 47 | Oppose             | NZDF may take coastal waters as part of undertaking training activities on the use of potable water treatment units. This policy provides for the taking and use of coastal water, at a  | Amend Policy 47 to ensure a connection between the policy and rule framework and to allow the take |

| Point        | Provision                             | Support/<br>Oppose | Reasons   | Relief Sought   |
|--------------|---------------------------------------|--------------------|---|---|
|              |                                       |                    | <p>quantity or at a rate where there are no adverse effects. 'No adverse effects' is a very high bar and currently there is no connection between this policy and the underlying Rule 65 (discussed in submission point 24 below). This rule does not place any limits on quantity or rate of water take to ensure that there would be no adverse effects from the activity, as required by this Policy.</p> <p>NZDF wish to see alignment between Policy 47 and the associated rules, and for Policy 47 to allow for a reasonable volume and rate of coastal water to be abstracted as a permitted activity.</p> | <p>and use of coastal water at a rate and volume where this take results in an acceptable level of environmental effect.</p>  |
| 11           | Policy 49                             | Support            | <p>This policy is considered appropriate as it allows for the use and development of the coastal marine area where noise and vibration is managed appropriately.</p>  | <p>Retain policy as notified.</p>   |
| <b>Rules</b> |                                       |                    |   |   |
| 12           | Rule 9 Biofouling                     | Support<br>in part | <p>NZDF supports this rule, as it is appropriate to provide for this activity within the Port Zone. However, NZDF considers it is also important to provide for biofouling in the Open Coast and Estuaries Modified coastal management area as a permitted activity.</p>  | <p>Amend the rule to also provide for biofouling activities in the following coastal management areas:</p> <ul style="list-style-type: none"> <li>• Estuaries Modified</li> <li>• Open Coast</li> </ul> |
| 13           | Rule 9 Biofouling Standards (a) – (c) | Support<br>in part | <p>In general, NZDF supports the intent of these standards, however standard (c) stating the timeframe required for notifying the Ministry for Primary Industries (MPI) of a suspected invasive or non-indigenous aquatic species 'immediately', is considered impractical. Instead, NZDF suggests that the wording 'without unreasonable delay' is used, which appropriately provides for notification to MPI as soon as possible after the species is suspected.</p>  | <p>Amend standard (c) to require notification to MPI of a suspected invasive or non-indigenous aquatic species 'without unreasonable delay'.</p>  |
| 14           | Rule 10 Biofouling                    | Oppose<br>in part  | <p>Biofouling is an important preventative measure for managing aquatic pests and it also ensures ships are well maintained. Therefore the sampling, scraping and cleaning of objects should</p>  | <p>Amend Rule 10 to provide for biofouling activities in the Outstanding Value and Estuaries Unmodified</p>   |

| Point | Provision       | Support/<br>Oppose | Reasons  | Relief Sought  |
|-------|-----------------|--------------------|--|--|
| 15    | Rules 13 and 14 | Oppose             | <p>be provided for in Outstanding Value and Estuaries Unmodified Coastal Management Areas also.</p> <p>Rules 13 and 14 require consent be obtained for any discharge activity not specifically provided for by Rules 1 to 12. This is considered overly onerous for activities with less than minor effects on the environment, including activities associated with military training (along with numerous other activities which are not specifically identified but may have very minor / negligible effects).</p> <p>Military training in the coastal environment can involve training in the use of NZDF portable water treatment units. These units are deployed during events such as the Kaikoura earthquakes. It is important that NZDF personnel are fully trained in the use of these units.</p> <p>Potable water is only chlorinated if necessary for training purposes. Procedures ensure that chlorine levels in the receiving water will not exceed ANZECC guidelines.</p> <p>The concentrate and backwash water discharges contain only a concentration of natural contaminants, predominantly salt and suspended solids. This is managed by discharging over vegetated land, except when treatment systems with filtration units that retain solids are used. Concentrate from these units can be returned directly to water bodies without impacting receiving water quality.</p> <p>Equipment cleaning and disinfecting is generally undertaken at a camp or base, however it is sometimes necessary to discharge cleaning solutions and rinse water in the field. In this instance, it</p> | <p>Coastal Management Areas as a discretionary activity.</p> <p>Insert a new rule permitting minor discharges (similar to Rule 57 regarding minor disturbance and removal), which would provide for the operation of the portable water units. Alternatively, insert a new rule specifically permitting discharges from the operation of portable water treatment units, such as:</p> <p><u>"The discharge of contaminants or water to the coastal marine area from portable water treatment units for the purpose of temporary military training activities is a permitted activity."</u></p> |

| Point | Provision                                 | Support/<br>Oppose | Reasons   | Relief Sought  |
|-------|---|--------------------|---|--|
|       |   |                    | <p>is discharged in a controlled manner at locations where the contaminants will soak into the ground and not result in run-off to surface water.</p> <p>NZDF has monitored the use of portable water treatment units in coastal environments. Sampling results and analyses demonstrate that adverse effects on the environment from the discharges to the coastal marine area have little effect on coastal water quality. Tidal and wave action will rapidly disperse the discharges so there is unlikely to be a noticeable difference in water quality within a few metres of the discharge point. Discharges will not result in any turbidity over and above that normally generated by wave action, and any scour from the discharges will be temporary and rapidly re-established by the tide. On this basis, NZDF considers it appropriate for the discharges to be permitted.</p> |  |
| 16    | Rule 31                                   | Oppose<br>in part  | <p>NZDF supports the inclusion of a permitted activity rule for TMTA. As currently written the rule provides for the broad range of activities undertaken as part of military training.</p> <p>Although this rule does not provide for TMTA within Outstanding Value Coastal Management Areas, NZDF has reviewed these and considers that excluding these areas from this rule would not unduly restrict the ability for NZDF to undertake TMTA in the Region as a whole.</p>   | Retain the rule wording as notified, and amend the underlying standards as discussed in further submission points below. |
| 17    | Rule 31 – permitted activity standard (a) | Oppose             | <p>NZDF has accepted a period of 31 days in other plans around the country during the Plan review process, providing national consistency, desirable to NZDF. This provides NZDF sufficient scope to undertake most TMTA activities, while also providing Council with surety that the occupation is temporary.</p>   | Amend standard to allow TMTA to occur for a duration of up to 31 days.   |
| 18    | Rule 31 – standard (d)                    | Oppose             | <p>A requirement to notify a territorial authority should not be included as a standard in a regional plan.</p>   | Remove this standard in its entirety.  |



| Point | Provision                  | Support/<br>Oppose | Reasons   | Relief Sought  |
|-------|----------------------------|--------------------|---|--|
| 19    | Rule 31 – standard (g)     | Support in part    | This standard references the general standards, including noise provisions. The Plan contains noise standards for TMTA. NZDF has obtained professional acoustic advice from Malcolm Hunt and Associates, who are very familiar with NZDF activities. NZDF has developed bespoke noise standards for TMTA, which are appropriate to the particular aspects of TMTA activities, most notably noise from weapons firing and explosives.  | Amend the noise provisions in the Plan's General Standards section, as further discussed in point 22 of this submission.   |
| 20    | Rule 31 – standard (h)     | Neutral            | This standard would not unduly restrict the majority of NZDF TMTA within the coastal marine area, and is therefore acceptable.  | Retain as notified.  |
| 21    | Rule 31 – standard (i)     | Neutral            | This standard would not unduly restrict the majority of TMTA within the coastal marine area.  | Retain as notified.  |
| 22    | General standard 8.6.3 (c) | Oppose             | <p>This standard prescribes noise standards for TMTA in the coastal marine area. These standards as currently drafted are inappropriate for TMTA. NZDF wishes to make sure that the noise standards included in plans are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with.</p> <p>To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it is seeking to have included in proposed plans nation-wide (refer Attachment A). NZDF requests these are used in place of the limits listed in General Standard 8.6.3(c). A more detailed explanation of these standards is given in Attachment B to this submission.</p> | Remove the provisions within General Standard 8.6.3(c), and replace with the standards prepared by NZDF specifically for TMTA, that are attached as Attachment A to this submission. |
| 23    | Rule 32                    | Support            | It is appropriate that TMTA that do not comply with permitted activity standards are controlled activities. This allows NZDF the surety that the activity can proceed (and in turn they can fulfil their obligations under the Defence Act) and also allows Council   | Retain provision as notified.  |

| Point | Provision | Support/<br>Oppose | Reasons   | Relief Sought   |
|-------|-----------|--------------------|---|---|
| 24    | Rule 65   | Oppose             | <p>the control of potential adverse effects of the activity.</p> <p>This rule permits the taking and use of coastal water as a permitted activity, which would provide for TMTA activities. However, currently the connection between this rule and Policy 47 is unclear. As discussed in submission point 10 above, Policy 47 provides for the taking water in a quantity or at a rate that would not cause adverse environmental effects. Currently this rule does not provide any direction on the quantity or rate of take that would result in no adverse effects, as required by Policy 47.</p> | <p>Amend rule to insert a limit on quantity and/or rate of water take, or otherwise amend to ensure consistency with Policy 47.</p> |

## Attachment A: Noise Standards for Temporary Military Training Activities

**General Standard xx:** Temporary Military Training Activities in the coastal marine area shall comply with the following noise standards:

*Note: When the background sound level exceeds the limits set out below (due to noise of the sea, wind noise, traffic noise or other uncontrollable types of noise), the limits will not apply but every person will remain under the duty to avoid unreasonable noise in section 16 of the RMA.*

### 1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 500m  
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:  
0700 to 1900 hours: 95 dBC  
1900 to 0700 hours: 85 dBC

### 2. Mobile noise sources

Shall 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 mobile noise sources\*.

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

### 3. 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)         | L <sub>Aeq</sub> (15 min) | L <sub>AFmax</sub> |
|---------------------------------|---------------------------|--------------------|
| 0700 to 1900 hours              | 55 dB                     | n.a.               |
| 1900 to 2200 hours              | 50 dB                     |                    |
| 2200 to 0700 hours the next day | 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.*

### 4. Helicopter landing areas

Shall comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*\*.

\* Noise levels shall be measured in accordance with NZS6801:2008 *Acoustics – Measurement of Sound*.

## **Attachment B: Explanation for replacement noise standards for Temporary Military Training Activities**

NZDF wishes to make sure that the noise standards included in Plans are up-to-date, appropriate for the type of noise generated, and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from Temporary Military Training Activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed plans nation-wide.

The replacement noise standards proposed by NZDF focus on compliance at dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, NZDF's proposed standards divide noise sources from Temporary Military Training Activities into four categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; fixed noise sources such as power generators and water pumping, and helicopter landing areas. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. NZDF considers that this division allows a more comprehensive and appropriate method for controlling noise from Temporary Military Training Activities.

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). Four separation distances are specified – a night-time and daytime distance for firing of live ammunition and explosives, and a night-time and daytime distance for firing of blank ammunition, which is less noisy than live firing. 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 night-time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

For fixed noise sources, which can be located to ensure compliance with standards, dB LAeq levels are specified, in line with NZS6802:2008 Acoustics – Environmental Noise. This is considered the most appropriate way to control noise levels from these sources.

NZDF has also considered noise from helicopters associated with temporary military training activities. NZDF proposes the use of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas to control this type of noise.

## Further Submission on the Proposed Coastal Plan for Taranaki

*Clauses 8 and 8A of First Schedule, Resource Management Act 1991*

**To:** Taranaki Regional Council  
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**Submitter:** New Zealand Defence Force  
**Contact Person:** Rebecca Davies, Senior Environmental Officer

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A detailed further submission is attached.

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest<sup>1</sup>, and also has an interest in the Proposed Coastal Plan for Taranaki that is greater than the interest held by the general public.

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF **will consider** presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.



pp

Date: 3 August 2018

Person authorised to sign  
on behalf of New Zealand Defence Force

<sup>1</sup> Set out in section 5 of the Defence Act 1990

| #   | Original Submitter's Name and Address | Sub Number | Support or Oppose | Section Reference and Summary of Submission  | Reason   | Decision Sought   |
|---|---------------------------------------|------------|-------------------|--|--|---|
| <b>Temporary Military Training Activities (TMTAs)</b> |                                       |            |                   |  |  |   |
| 1   | Department of Conservation            | 29         | Oppose in part    | Rule 31<br>Amend the rule to exclude its application to Estuaries Unmodified coastal management area   | NZDF is required to maintain its operational capacity in order to fulfil its obligations under the Defence Act 1990. This necessitates undertaking TMTAs in a variety of environments across New Zealand, and NZDF therefore generally seeks enabling provisions in all zones in a District or Regional Plan. DOC's submission point makes reference to a specific concern about the adverse effects associated with the operation of military vehicles within unmodified estuarine areas. It should be noted that TMTAs can encompass a wide range of activities, often including those with effects that are unlikely to be of particular note when compared alongside 'regular' day-to-day activities. NZDF considers that any adverse effects associated with TMTAs in those coastal management areas identified, including the Estuaries Unmodified area, can be appropriately mitigated by the permitted activity standards of Rule 31 (subject to those amendments sought in NZDF's original submission). NZDF therefore consider it appropriate to retain the Estuaries Unmodified coastal management area within Rule 31. | Reject the relief sought by the submitter   |
| 2   | Te Korowai o Ngāruahine Trust         | 41         | Support           | Rule 31<br>Amend condition (j) of Rule 31 to read:<br>(j) activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 A and B Historic heritage... | Given the broad drafting NZDF considers that condition (j), as notified, inherently captures both Schedules 5A and 5B. NZDF is therefore of the view that the proposed amendment to condition (j) does not change the underlying meaning of the provision, and therefore that the changes would not unduly restrict the majority of TMTA within the coastal area.  | Support the amendment to the proposed provision, on the understanding that this does not change the application of the provision as notified. |
| 3   | Ngāti Hine Hapū of Te Ahiawa          | 42         | Oppose            | Rule 31<br>Amend Rule 31 to make temporary military training a Controlled Activity (rather than a Permitted Activity), and that there be iwi / hapu consultation in all cases                            | NZDF opposes this proposed amendment, as per the points raised in its original submission. The majority of TMTAs are small-scale activities of short duration with very limited effects. Requiring resource consent for all TMTAs would be overly onerous and cannot be supported by reference to an effects-based approach. NZDF considers that any adverse effects associated with TMTAs can be appropriately mitigated by the permitted activity standards of Rule 31. In particular, as relevant to this submission:<br>1.) Rule 31 as notified contains a note (Note 1) that states that "iwi authorities that have requested to be informed of this activity will be advised by Council". This is considered sufficient to address those concerns raised relating to iwi / hapu consultation.<br>2.) Permitted Activity standard (j) requires that TMTA activities do not have an adverse effect on the values associated with historic heritage identified in Schedule 5. NZDF considers that the drafting of this  | Reject the relief sought by the submitter   |

| # | Original Submitter's Name and Address    | Sub Number | Support or Oppose | Section Reference and Summary of Submission  | Reason  | Decision Sought  |
|---|--|------------|-------------------|--|---|--|
| 4 | Royal Forest and Bird Protection Society | 43         | Oppose            | Rule 31<br>Amend Rule 31 by deleting the Estuaries Unmodified and Estuaries Modified coastal management areas from the rules   | <p>standard captures those sites with historic heritage values identified in Schedule 5B.</p> <p>3.) Other permitted activity standards ensure effects are less than minor e.g. limited occupation period (a), no permanent structures (b), no adverse effect on highly valued ecosystems or significant indigenous biodiversity (k).</p> <p>NZDF is required to maintain its operational capacity in order to fulfil its obligations under the Defence Act 1990. This necessitates undertaking TMTAs in a variety of environments across New Zealand, and NZDF therefore generally seeks enabling provisions in all zones in a District or Regional Plan. Forest and Bird's submission point makes reference to a specific concern about the adverse effects upon important habitats to indigenous species within both modified and unmodified estuarine areas.</p> <p>NZDF considers that any adverse effects associated with TMTAs in those coastal management areas, including the Estuaries Modified and Unmodified areas, can be appropriately mitigated by the permitted activity standards of Rule 31 (subject to those amendments sought in NZDF's original submission). In particular NZDF considers that Forest and Bird's concerns regarding effects upon indigenous biodiversity are appropriately captured by Permitted Activity standard (k) in Rule 31 (as notified). In any case, NZDF notes that TMTA are typically small-scale activities of short duration with very limited effects.</p> | Reject the relief sought by the submitter  |
| 5 | Royal Forest and Bird Protection Society | 43         | Oppose            | Rule 31<br>Amend Rule 31 by adding a standard/term/condition that noise and vibration must only be from normal operation of marine vessels and does not include any seismic testing, explosions, artillery or sonar.   | <p>NZDF notes that explosions are already exempt from Rule 31 under the current drafting.</p> <p>NZDF opposes the proposed amendment. Please refer to NZDF's original submission for a further explanation of those matters relating to noise and vibration.</p>  | Reject the relief sought by the submitter  |
| 6 | Heritage New Zealand                     | 57         | Oppose            | Rule 31<br>Amend the standards / terms / conditions of Rule 31(i) to read:<br>(i) activity does not have an adverse effect on the value associated with historic heritage identified in Schedule 5 [Historic Heritage]; and structures and activities are not to be placed at any site identified in Schedule 5; and [...] | <p>NZDF considers that the concerns raised by Heritage NZ regarding the potential for adverse effects upon historic heritage are appropriately addressed by Permitted Activity standard (i) of Rule 31.</p>   | Reject the relief sought by the submitter  |
| 7 | Te Rūnanga o Ngāi Ruanui Trust           | 61         | Oppose in part    | Rule 31<br>Amend Rule 31 to include new or amended standards/terms/conditions to read:<br>[...]<br>(i) activity does not have an adverse effect on the values associated with  | <p>In relation to each of these points individually:</p> <p>(i) Consistent cross references to Schedule 5A and 5B is required. Schedule 5B identifies "access" to certain sites of significance as an associated value in some instances. The undertaking of TMTAs may require the temporary exclusion of non-defence personnel</p>   | <p>Accept relief (i) proposed by the submitter.</p> <p>Reject relief (j), (k), (m) and (n) sought by the submitter</p> |

| #  | Original Submitter's Name and Address | Sub Number | Support or Oppose | Section Reference and Summary of Submission   | Reason  | Decision Sought   |
|----|---------------------------------------|------------|-------------------|---|---|---|
| 8  | Climate Justice Taranaki              | 21         | Oppose            | <p>Rules 31 and 32</p> <p>Oppose Rules 31 and 32 providing for temporary military training</p>  | <p>for Health and Safety purposes. The inclusion of "Cultural heritage" in 32 (b) could therefore trigger the need for resource consent under Rule 32, in events where access will be temporarily restricted.</p> <p>(k) NZDF is of the view that this proposed standard is too broadly drafted. Schedules 1 and 2 identify all 5 of the proposed coastal management areas, and this proposed standard therefore restricts the ability to undertake any activity or associated discharge with any degree of adverse effect, regardless of the scale and significance of that effect. This could undermine the intent of the Permitted Activity status by requiring all TMTAs to receive resource consent under Rule 32.</p> <p>(l) NZDF considers that the proposed amendment to condition (l) may be appropriate to avoid effects on the suitability of water for customary use and would not unduly restrict the majority of TMTA.</p> <p>(m) As per those comments in (j) above</p> <p>(n) NZDF note that there does not appear to be a Schedule 4C in the Proposed Coastal Plan.</p> <p>NZDF oppose this proposed amendment, as per the points raised in its original submission.</p> <p>NZDF is required to maintain its operational capacity in order to fulfil its obligations under the Defence Act 1990. This necessitates undertaking TMTAs in differing environments across New Zealand.</p> <p>It should be noted that TMTAs encompass a wide range of activities, including those with effects that are unlikely to be of particular note when compared alongside day-to-day activities. As such we consider that a rule regime with specific Permitted and Controlled Activity rules for TMTAs, subject to appropriate standards, is an effective planning mechanism that will provide NZDF with the ability to undertake TMTAs whilst also mitigating the potential for adverse effects.</p> | <p>Reject the relief sought by the submitter</p>  |
| 9  | Surfbreak Protection Society          | 15         | Support in part   | <p>The submission seeks that there be no impact to surf breaks as a result of TMTAs, and the key surfing and representative groups be part of any limited notification for discharge or disturbance consent applications with the potential to impact on surf breaks or coastal water</p> | <p>The majority of TMTAs are small-scale activities of short duration with very limited effects. The permitted activity conditions preclude permanent structures. The nature of TMTAs means there is no potential for effects on a surfbreak.</p> <p>NZDF notes that Rule 32 already reserves council control over the effects of TMTAs on surf breaks.</p>   | <p>Acknowledge that the relief sought by this submitter is already provided for under the plan as notified.</p> |
| 10 | Department of Conservation            | 29         | Support in part   | <p>Amend Rule 32 by:</p> <ul style="list-style-type: none"> <li>excluding its application to Estuaries Unmodified coastal management</li> </ul>   | <p>NZDF agrees with DOC's point that the advice note included in proposed Rule 32 appears to incorrectly refer back to itself. We therefore support the amendment to the advice note</p>  | <p>Accept the proposed amendment to the advice note (subject to submission</p>                                  |



| #  | Original Submitter's Name and Address    | Sub Number | Support or Oppose | Section Reference and Summary of Submission  | Reason   | Decision Sought   |
|----|--|------------|-------------------|--|--|---|
| 11 | Te Korowai o Ngāruahine Trust            | 41         | Support           | <p>area</p> <ul style="list-style-type: none"> <li>including a condition after (c) that reads: <u>occupation is for a period of no more than three consecutive weeks</u></li> <li>amending the advice note to: [...] refer to Rule 32 33 and 33 34 [...]</li> </ul>  | <p>proposed by the Department of Conservation, referencing Rules 33 and 34 (subject to those matters raised by DOC which have been addressed in point #15 of our further submission below).</p> <p>NZDF opposes the exclusion of the application of the controlled activity rule to Estuaries Unmodified. It is considered that the Controlled Activity standard (c) provide council with an appropriate method of managing the adverse effects of any TMTAs within any Estuaries Unmodified coastal management area.</p> <p>NZDF opposes the imposition of a maximum occupation period under Rule 32. We consider that the matters for control provide council with an appropriate level of control over the effects associated with TMTAs, particularly (a) which reserves control over the location, method, timing and notification of the works.</p>  | #15 below)<br>Reject the other relief sought by the submitter.  |
| 12 | Royal Forest and Bird Protection Society | 43         | Oppose            | <p>Amend Condition (b) of Rule 32 to read:</p> <p>(b) activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B Historic heritage; [...]</p>  | <p>This submission requests that condition (b) is expanded by specifically identifying Schedules 5A and 5B. Schedule 5A identifies those sites with archaeological sites and historic areas, while Schedule 5B identifies those sites of significance to Maori and their associated values. Given the broad drafting NZDF considers that condition (b), as notified, inherently captures both Schedules 5A and 5B.</p> <p>NZDF is of the view that the proposed amendment to condition (b) does not change the underlying meaning of the provision, and therefore that the changes would not unduly restrict the majority of TMTA within the coastal area.</p>   | Support the amendment to the proposed provision, on the understanding that this does not change the application of the provision as notified. |
| 13 | Te Rūnanga o Ngāti Ruanui Trust          | 61         | Oppose            | <p>Rule 32</p> <p>Amend Rule 32 to make temporary military training under this rule a Restricted Discretionary Activity (rather than a Controlled Activity).</p> <p>Amend Rule 32 to include new or amended standards/terms/conditions to read:</p> <p>(a) activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p>(b) activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) the discharge does not have adverse effect on Schedules 1 and 2;</p> <p>(d) the discharge does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(e) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of</p> | <p>NZDF opposes this proposed amendment, as per the points raised in its original submission. NZDF also notes the extensive matters of control provide broad scope to manage and mitigate effects.</p> <p>NZDF has addressed these points individually below:</p> <p>(b) Schedule 5B identifies "access" to certain sites of significance as an associated value in some instances. The undertaking of TMTAs may require the temporary exclusion of non-defence personnel for Health and Safety purposes. The inclusion of "Cultural heritage" in 32 (b) could therefore trigger the need for resource consent as a discretionary activity under Rule 32, in events where access will be temporarily restricted.</p> <p>(c), (d), (f) – (i) The TMTA rules do not relate to the discharge of contaminants. Suggested standards (c) and (d) are inappropriate and unnecessary within the context of rules which relate to temporary structures and temporary occupation.</p> <p>(e) NZDF notes that there does not appear to be a</p> | Reject the relief sought by the submitter   |

| #                     | Original Submitter's Name and Address    | Sub Number | Support or Oppose | Section Reference and Summary of Submission   | Reason  | Decision Sought                            |
|-----------------------|--|------------|-------------------|---|---|--|
|                       |  |            |                   | Settlement including those identified in Schedule 4C [Taonga species and habitat]<br>(n) the discharge does not adversely affect the suitability of the receiving area for customary use<br>(o) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment<br>(h) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan<br>(l) discharge is consistent with iwi management plan.   | Schedule 4C in the Proposed Coastal Plan.   |  |
| 14                    | Te Rūnanga o Ngāti Ruanui Trust          | 61         | Oppose            | Rule 32<br>Amend the Control/notification column for this rule to read:<br>Control is reserved over:<br>[...]<br>(e) effects on water quality and mauri values;<br>[...]<br>(m) effects on Cultural Zone (referred to in Spatial Plan);<br>(n) monitoring (including tangata whenua indicators referred to in the tangata whenua monitoring plan) and information requirements;<br>(o) duration of consent; and<br>(p) review of consent conditions.<br>Resource consent applications under this Rule will <del>not be publicly notified but may be limited notified</del> be notified to tangata whenua. | NZDF has addressed these points individually below:<br>(e) The proposed amendment to condition (e) is unlikely to unduly restrict TMTA, however "mauri" is not defined in the notified plan. If this amendment is to be included it should be clear what these Mauri values are.<br>(m) NZDF is of the view that these matters are appropriately captured by the rule as notified, particularly with respect to point (g).<br>(n) NZDF is of the view that these matters are appropriately captured by the rule as notified. Any monitoring and information requirements would be best determined by Council's processing planner on a case-by-case basis.<br>NZDF opposes the requested change to notification requirements, and the subsequent requirement to notify any group as part of all Controlled Activity applications. It is considered that the statement regarding notification, as notified, is an appropriate control. | Reject the relief sought by the submitter. |
| 15                    | Department of Conservation               | 29         | Support           | Proposed new Rule 32A – Temporary Military Training Activities<br>Amend Rule 32 to include a new Discretionary Activity rule that deals with temporary military training activities that do not come within or comply with Rule 31 or Rule 32.  | At the moment any TMTA which does not meet the necessary standards gets captured by Proposed Rules 33 and 34 [see further submission point 10 for discussion of the apparent referencing error].<br>Rules 33 and 34 capture the erection and placement of any structure and any associated occupation of the CMCA. There is no catch-all rule for activities which do not meet those standards identified in Rules 31 and 32.<br>NZDF supports the relief sought by the submitter, subject to the specific wording proposed.  | Accept the relief sought by the submitter  |
| <b>Infrastructure</b> |  |            |                   |   |   |  |
| 16                    | Royal Forest and Bird Protection Society | 43         | Oppose            | Objective 3:<br>Amend the Plan by deleting Objective 3:<br><del>The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected</del>   | NZDF opposes this proposed amendment, as per the points raised in its original submission.  | Reject the relief sought by the submitter  |

| #                 | Original Submitter's Name and Address | Sub Number | Support or Oppose | Section Reference and Summary of Submission   | Reason   | Decision Sought                           |
|-------------------|---------------------------------------|------------|-------------------|---|--|---|
|                   |                                       |            |                   | from new or inappropriate use and development in the coastal environment.   |  |   |
| <b>Biofouling</b> |                                       |            |                   |   |  |   |
| 18                | Te Atiawa                             | 58         | Oppose            | Rule 9<br>Opposed to permitting in-water cleaning of biofouling in the Port and seek that such activities be considered a Controlled Activity (rather than a Permitted Activity).                     | NZDF opposes this proposed amendment, as per the points raised in its original submission. | Reject the relief sought by the submitter |
| 19                | Te Rūnanga o Ngāti Mutunga            | 40         | Oppose            | Rule 9<br>Amend permitted activity rule for in-water cleaning of biofouling in the Port and make such activities a Controlled Activity (rather than a Permitted Activity).                            | NZDF opposes this proposed amendment, as per the points raised in its original submission. | Reject the relief sought by the submitter |
| 20                | Te Korowai o Ngāruahine Trust         | 41         | Oppose            | Rule 10<br>Amend Rule 10 to make any sampling, scraping and/or cleaning of biofouling in coastal management areas (other than the Port) a Prohibited Activity (rather than a Non-Complying Activity). | NZDF opposes this proposed amendment, as per the points raised in its original submission. | Reject the relief sought by the submitter |

**ANNEXURE B**

**A copy of the parts of the Council's decision relevant to this appeal**



Proposed  
**Coastal**

Plan for  
Taranaki

**Clean  
version**  
Council's  
decisions

## Temporary military training activities

| Activity  | Rule | Coastal management area  | Classification | Standards/terms/conditions   | Matters of control/discretion | Policy reference |
|---|------|--|----------------|--|-------------------------------|------------------|
| Temporary military training activities that do not involve mechanical excavation or use of explosives (except for the firing of blank rounds which are not excluded), and any associated: | 32   | Estuaries Unmodified<br>Estuaries Modified<br>Open Coast<br>Port | Permitted      | <p><b>32.1</b> The duration of the activity occurs on no more than 30 days over a 12 month period;</p> <p><b>32.2</b> the activity does not involve construction of permanent structures;</p> <p><b>32.3</b> Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at <a href="http://www.trc.govt.nz/informcouncil">www.trc.govt.nz/informcouncil</a>;</p> <p><b>32.4</b> signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the activity commencing;</p> <p><b>32.5</b> the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 working days prior to the activity commencing;</p> <p><b>32.6</b> the activity complies with the general standards specified in Section 8.6 of this Plan;</p> <p><b>32.7</b> the activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p><b>32.8</b> the activity does not hinder the operational requirements of emergency services including the coastguard, police and surf lifesaving;</p> <p><b>32.9</b> the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 6A and B [Historic heritage];</p> <p><b>32.10</b> the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</p> <p><b>32.11</b> the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 5 [Taonga species].</p> |                               |                  |

*Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.*

*Note (2): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 33.*



| Activity  | Rule | Coastal management area  | Classification | Standards/terms/conditions   | Matters of control/discretion  | Policy reference   |
|---|------|--|----------------|--|--|--|
| Temporary military training activities and any associated occupation of space in the common marine and coastal area; placement of temporary structures; noise; disturbance of the foreshore or seabed; deposition in, on or under the foreshore or seabed; and discharge of sediment and does not come within or comply with Rule 32. | 33   | Estuaries Unmodified<br>Estuaries Modified<br>Open Coast<br>Port | Controlled     | <ul style="list-style-type: none"> <li>1.3 The activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</li> <li>1.4 the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 6A and B [Historic heritage];</li> <li>1.5 the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</li> <li>1.6 the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 5 [Taonga species].</li> </ul> | <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>1.3 location, method, timing and notification of works;</li> <li>1.4 design, construction and decommissioning of structures;</li> <li>1.5 effects on other authorised structures or activities;</li> <li>1.6 sediment movement and erosion;</li> <li>1.7 effects on water quality;</li> <li>1.8 effects on natural character, features and landscapes values</li> <li>1.9 effects on indigenous biodiversity values;</li> <li>1.10 effects on cultural and historic heritage values;</li> <li>1.11 effects on amenity values, including surf breaks;</li> <li>1.12 effects of occupation on public access;</li> <li>1.13 effects on navigation;</li> <li>1.14 effects of noise and light;</li> <li>1.15 monitoring and information requirements;</li> <li>1.16 duration of consent; and</li> <li>1.17 review of consent conditions.</li> </ul> | <p>General Policies 1 to 24 and Activity-based Policies 25, 31, 33, 34, 35, 41, 42, 43, 44, 45, 50, 52</p> |

*Note: If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 34 or Rule 35 depending on the coastal management area involved.*



## 8.6 General standards

These general standards apply where a rule explicitly states that these standards will be complied with.

### 8.6.1 Height (New Plymouth Airport)

No structure or part of any structure will interfere with the New Plymouth Airport Flight Path Protection Surfaces described in Appendix 3 of the Plan.

### 8.6.2 Light

Light sources will be shielded so that the light source is not directly visible from any residence, vehicle on a public road or ship under navigation, except in the following cases:

- i. Navigation aids; or
- ii. Lighting required under the Acts of Parliament for the safety of ships or offshore installations and aircraft.

### 8.6.3 Noise

#### i. Port activities

Port activities in the coastal marine area will not create noise that exceeds the following when measured at any point at or landward of the Port Noise Inner Control Boundary (Appendix 6):

- ii. Day-night average sound level over a period of 5 consecutive days shall not exceed 65 dB  $L_{dn}$
- iii. On any day between 10pm to 7am the following day shall not exceed 60 dB  $L_{Aeq}$  (9hours) provided that no single 15 minute sound measurement level shall exceed 65 dB  $L_{Aeq}$  and 85 dB  $L_{Amax}$ .

Port activities in the coastal marine area will not create noise that exceeds the following when measured at any point at or landward of the Port Noise Outer Control Boundary (Appendix 6):

- ii. On any day between 10pm to 7am the following day shall not exceed 50 dB  $L_{Aeq}$  (9hours) provided that no single 15 minute sound measurement level shall exceed 55 dB  $L_{Aeq}$  and 75 dB  $L_{Amax}$ .

For the purpose of Port Noise, daytime is defined as 7am to 10pm on any day, and night-time is defined as 10pm to 7am the following day.

Port noise shall be measured and assessed in accordance with *New Zealand Standard NZS 6809:1999 Acoustics – Port Noise and Land Use Planning*.

#### Construction, maintenance or demolition activities

The noise from any construction, maintenance, alteration, extension and demolition activities in the coastal marine area must be measured, assessed, managed and controlled in accordance with the requirements of *New Zealand Standard NZS6803:1999 Acoustics – Construction noise*.

#### Temporary military training activities

Temporary military training activities in the coastal marine area will not create noise that exceeds the following when measured 1m from any side of any building used for accommodation:

- ii. All activities excluding live weapons firing, firing of blanks, or use of explosives:

| Time (any day) | $L_{Aeq}$ | Limits (dB) | $L_{Amax}$ |
|----------------|-----------|-------------|------------|
| 0630 – 0730    | 60        |             | 75         |
| 0730 – 1800    | 75        |             | 90         |
| 1800 – 2000    | 70        |             | 85         |
| 2000 – 0630    | 45        |             | 75         |

ii. Noise resulting from live firing, firing of blank, or use of explosives:

| Time (any day) | Limits (dBC) | Separation distances <sup>7</sup> |
|----------------|--------------|-----------------------------------|
| 0700 – 1900    | 95           | 500 meters                        |
| 1900 – 0700    | 85           | 1,250 meters                      |

<sup>7</sup> Distance from any side of any building used for accommodation.



iii: Noise resulting from helicopter landing shall comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*.

Noise must be measured, assessed, managed and controlled in accordance with the requirements of *New Zealand Standard NZ6801:2008 Acoustics – Measurement of Environmental Sound*.

iv: **All other activities**

Noise generated by any other activity in the coastal marine area (excluding those in (a), (b) and (c) above) shall not exceed the following at any point landward of the boundary of the coastal marine area:

| Time (any day) | Limit                           |
|----------------|---------------------------------|
| 7am to 7pm –   | 50 dB $L_{Aeq}(15 \text{ min})$ |
| 7pm to 10pm –  | 45 dB $L_{Aeq}(15 \text{ min})$ |
| 10pm to 7am –  | 40 dB $L_{Aeq}(15 \text{ min})$ |
| 10pm to 7am –  | 70 dB $L_{Amax}$                |

Noise shall be measured in accordance with *New Zealand Standard NZS 6801:2008 Acoustics – Measurement of Environmental Sound* and assessed in accordance with *New Zealand Standard NZS 6802:2008 Acoustics – Environmental Noise*.

Noise and sound effect



**Standards and terms** means statements of measurement, time, rates or other information used in a regional rule to determine whether an activity comes within a rule.

**Stormwater** means runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within.

**Structure\*** means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

**Subdivision\*** means-

- i. the division of an allotment-
- ii. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
- iii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
- iv. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
- v. by the grant of a company lease or cross lease in respect of any part of the allotment; or
- vi. by the deposit of a unity plan; or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unity plan; or

vii. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,- and the term **subdivide land** has a corresponding meaning.

**Surf break** means a natural feature that is comprised of swell, currents, water levels, seabed morphology, and wind. The hydrodynamic character of the ocean (swell, currents and water levels) combined with seabed morphology and winds to give rise to a surfable 'wave'. A surf break includes the 'swell corridor' through which the swell travels, and the morphology of the seabed of that wave corridor, through to the point where the waves created by the swell dissipate and become non-surfable.

**Surfable wave** means a wave that can be caught and ridden by a surfer. Surfable waves have a wave breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest.

**Surfing** means an activity that involves a person riding on a wave and includes short boarding, long boarding, knee boarding, body boarding, stand up paddle boarding, foiling and kite surfing.<sup>10</sup>

**Sustainable management\*** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- i. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- ii. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- iii. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

**Swell corridor** means the region offshore of the surf break where ocean swell travels and transforms to a surfable wave.

**Synthetic based drilling muds** means a form of drilling fluid where the base fluid is synthetic and has further compounds added to it to achieve required results during the drilling process.

**Tangata whenua\*** in relation to a particular area, means the iwi, or hapū that holds mana whenua over the area.

**Taonga** means treasure and/or prized possession(s).

**Taonga species** means the species of birds, plants, and animals identified as such by treaty settlements and described in Schedule 5.

**Temporary military training activity** 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. the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
- ii. the protection of the interests of New Zealand, whether in New Zealand or elsewhere;

- !c'** the contribution of forces under collective security threats, agreements, or arrangements;
- !d'** the contribution of forces to, or for any of the purpose 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;
- !e'** the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;
- !f'** the provision of any public service.

**Tauranga waka\*** means canoe landing or launching sites.

**Territorial authority\*** means a city council or a district council.

**Territorial sea\*** means the territorial sea of New Zealand as defined by Section 3 of the *Territorial Sea and Exclusive Economic Zone Act 1977*.

**Threatened** means in relation to indigenous flora and fauna species. It refers to a species identified in the New Zealand Threat Classification lists as facing a very high risk of extinction in the wild and includes nationally critical, nationally endangered and nationally vulnerable species.

**Treaty of Waitangi (Te Tiriti o Waitangi)\*** has the same meaning as the word 'Treaty' as defined in Section 2 of the *Treaty of Waitangi Act 1975*.

**Undesirable biological growth** means those that have developed to the extent that they have nuisance or otherwise detrimental effects on desirable water uses.

**Wāhi tapu or Waahi tapu** means a place that is sacred to Māori in a traditional, spiritual, religious, ritual or mythological sense.

**Wāhi taonga** means a treasured location or place.

**Wairua** means inner identity or force of a being or subject, spirit; non-physical, spiritual, intangible.

**Wairuatanga** means the practise of Māori spirituality.

**Wastewater** means liquid waste (and liquids containing waste solids) from domestic, industrial or commercial premises, including, but not limited to, toilet wastes, grey water (household wastewater from kitchens, bathrooms and laundries), sullage and trade wastes and excludes stormwater.

#### Water\*:

- !a'** means water in all its physical forms whether flowing or not and whether over or under the ground;
- !t:'** includes fresh water, coastal water, and geothermal water; and
- !c'** does not include water in any form while in any pipe, tank, or cistern.

**Water based drilling muds** is a form of drilling fluid where the base fluid is comprised of fresh or saline water, to which further compounds are added to achieve required results during the drilling process.

**Water quality** refers to the physical, chemical and biological characteristics of water.

**Well** means a hole drilled for the purpose of exploring for, appraising or extracting hydrocarbons and includes:

- !a'** any hole for injection or reinjection purposes;
- !t:'** any down-hole pressure containing equipment; and
- !c'** any pressure-containing equipment on top of the well.

**Wetland\*** includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

**Whanaungatanga** means relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship.

**Working day\*** means a day of the week other than:

- !a'** a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day;
- !t:'** if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- !c'** a day in the period commencing on 20 December in any year and ending with 10 January in the following year.



Proposed  
**Coastal**

Plan for  
Taranaki

**The Council's  
report**

on submissions

| Issue/theme  | Options   | Section 32AA evaluation   | Conclusion  |
|--|---|---|---|
|  | <p><b>Option 1:</b> <i>Status quo</i> – no change to noise levels.</p>  | <ul style="list-style-type: none"> <li>• Current noise provisions specified for temporary military training activities do not adequately provide for the requirements of the New Zealand Defence Force and are different to those limits set by other regional plans across New Zealand.</li> <li>• Current noise provisions for helicopters landing in the coastal marine area (as a temporary military training exercise) need to comply with the NZS6807: 1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i>.</li> <li>• Increased compliance costs for activities that would not currently meet the activity thresholds.</li> </ul>  | <p><b>Option 2</b> is the preferred option. The proposed changes provide greater consistency with other regional councils and their regional plan noise provisions.</p> |
| <p><b>General standards - noise provisions: Temporary military training activities</b></p> | <p><b>Option 2:</b> Amend noise limits to better reflect requirements set by the New Zealand Defence Force for temporary military training activities throughout the country.</p> | <ul style="list-style-type: none"> <li>• Revised noise limits allow for better alignment and clarity across New Zealand further to the requirements of the New Zealand Defence Force.</li> <li>• Better provision and clarity for New Zealand Defence Force temporary training exercises.</li> <li>• Options addresses the environmental effects of noise on adjacent residential properties in the coastal environment.</li> <li>• Updated reference provided to New Zealand noise standards.</li> <li>• Improved alignment across regional council plans with regard to noise levels to permit temporary military training activities.</li> <li>• More effective in reducing consenting requirements and therefore unnecessary costs for the New Zealand Defence Force.</li> <li>• There are no additional costs associated with this proposed change.</li> </ul> |   |

|  |   |  |   |
|--|---|--|---|
| <p><b>Schedule 7: Māori surf break names</b></p> | <p><b>Option 1:</b> <i>Status quo</i> – no change.<br/>Surf breaks identified in Schedule 7 do not currently identify with their traditional Māori names.</p> | <ul style="list-style-type: none"> <li>• Current Proposed Plan identifies some surf breaks with culturally offensive names.</li> <li>• No additional costs.</li> </ul> | <p><b>Option 2</b> is the preferred option as it better recognises and provides for cultural considerations in the naming</p> |
|--|---|--|---|

| Submitter  | Submission point | Submitter's requests  | Council's response and decisions   |
|--|------------------|---|--|
| <b>General standards 8.6.3 – Noise</b>               |                  |   |  |
| 9 – Karen Pratt                                      | 1155             | <p><b>Other</b></p> <p>Note that the noises limits written in the General Standards for noise would not be able to be complied with should an operation the size of the recently permitted ironsand mining occur in the territorial waters.</p> <p>Oppose</p>   | <p><b>No relief necessary</b></p> <p>Comments noted.</p>   |
| Further submissions – Trans-Tasman Resources Ltd (6) |                  |   |  |
| 32 – Port Taranaki                                   | 1156             | <p><b>Support</b></p> <p>Retain the noise provisions in the Plan based on implementation of the Port Noise Standard and alignment between the New Plymouth District Plan and the Proposed Coastal Plan provisions as each go through their respective review processes.</p>   | <p><b>Accept</b></p> <p>Support noted. General Standards 8.6.3 relating to Port activities are retained as notified.</p>   |
| 33 – New Zealand Defence Force                       |                  |   |  |
|  | 1157             | <p><b>Amend</b></p> <p>Submitter seeks amendment to General Standard 8.6.2(c) of the Plan by removing the provisions within general standards and replacing with standards prepared by the New Zealand Defence Force specifically for temporary military training activities (NZDF standards provided with submission).</p> | <p><b>Accept</b></p> <p>The Council agrees to the relief sought by the submitter.</p> <p>The Council agrees with the submitter that the noise provisions set out in General Standard 8.6.2(c) of the Plan, plus revised standards recommended in the Section 42A report would be unnecessarily and excessively restrictive to the submitter from undertaking essential training exercises.</p> <p>The submitter has suggested the inclusion of noise standards prepared specifically to address temporary military training activities and which the submitter has successfully sought to be included in district and regional coastal plans nationally. It is the Council's view that the noise standards proposed by the submitter will protect residential amenity values adjoining the coastal marine area.</p> <p>The Council notes that the amended standard include new separation distances for activities involving live firing, firing of blanks or explosives, new guidance for helicopter noise as well as amended limits for noise during different time intervals.</p> |

| Submitter                                    | Submission point | Submitter's requests  | Council's response and decisions  |
|--|------------------|---|---|
| Further submissions – Port Taranaki Ltd (32) |                  | <p><u>Microfouling – is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a 'slime layer'.</u></p> <p><u>microfouling can usually be removed by gently passing a finger over the surface.</u></p> <p>Oppose</p> | <p><u>Microfouling is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a 'slime layer'.</u></p> <p>With the following footnote:</p> <p><u>Microfouling can usually be removed by gently passing a finger over the surface.</u></p> |
| <b>Definition – Military training</b>        |                  |   |   |

33 – New Zealand Defence Force

1222

**Support**

Retain the definition of "military training" as notified.

**Accept in part**

Definition of "military training" is retained subject to amendments to align the Plan with the definition for 'temporary military training activities' within the National Planning Standards 2019 to read:

Temporary military training activity 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:

- (a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
- (b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere;
- (c) the contribution of forces under collective security threats, agreements, or arrangements;
- (d) the contribution of forces to, or for any of the purpose 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;
- (e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;
- (f) the provision of any public service.

**ANNEXURE C**

**Persons to be served with a copy of this notice**



Names and addresses of those to be served a copy of this Notice

**Taranaki Regional Council**, 47 Cloten Road, Stratford, [info@trc.govt.nz](mailto:info@trc.govt.nz)

and

| Submitter name                           | Care of                       | Email                             |
|--|-------------------------------|-----------------------------------|
| Royal Forest and Bird Protection Society | Tom Kay                       | t.kay@forestandbird.org.nz        |
| Heritage New Zealand                     | Caroline Rachlin              | crachlin@heritage.org.nz          |
| Te Rūnanga o Ngāti Mutunga               | Paul Cummings                 | Paul@ngatimutunga.iwi.nz          |
| Department of Conservation               | David Spiers c/<br>Angus Gray | agray@doc.govt.nz                 |
| Te Atiawa                                | Sarah Mako                    | sarah@teatiawa.iwi.nz             |
| Climate justice Taranaki inc             | Catherine Cheung              | climatejusticetaranaki@riseup.net |
| Ngati Rahiri                             | Keith Holswich                | keith.holswich@xtra.co.nz         |
| Te Korowai o Ngāruahine Trust            | Louise Tester                 | louise@ngaruahine.iwi.nz          |
| Ngāti Ruanui                             | Graham Young                  | Graham.Young@ruanui.co.nz         |
| Taranaki District Health Board           | Dr Jonathan Jarman            | health.protection@tdhb.org.nz     |