

SECTION 42A REPORT

Rebuttal Evidence

Hearing 28: Other Matters General

Report prepared by: Susan Chibnall

Date: July 2021



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I Introduction

I.1 Background

1. My name is Susan Chibnall. I am employed by Waikato District Council as a Policy Planner within the Resource Management Team.
2. I am the writer of the original S42A report for Hearing 28: Other Matters General
3. In the interests of succinctness, I do not repeat the information contained in section I.1 to I.4 of that S42A Hearing Report for Other Matters General and request that the Hearings Panel take this as read.

2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters.
6. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel¹:
 - a. New Zealand Defence Force [796]
 - b. Transpower New Zealand Ltd [576.12]
 - c. Fonterra Limited [797.39]
 - d. The Dilworth Trust Board [577]
 - e. Ports of Auckland (POAL) [578].

3 Consideration of evidence received

3.1 Matters addressed by this report

7. The evidence received from Bently and Co. on behalf of Port of Auckland considers that the submission points have been adequately addressed in previous hearings or in the S42A for Other Matters. Therefore, POAL do not intend to present evidence in respect of these submission points.
8. The evidence received from Bently and Co. on behalf of Dilworth Trust Board does not consider it efficient to present further evidence in relation to the submission within Hearing 28 Other Matters and respectfully requests they be removed from consideration at Hearing 28 Other Matters.
9. There are three topics raised in evidence from submitters which include:
 - New Zealand Defence Force seeking to include rules for Temporary Military Training Activities

¹ Hearings Panel Directions 21 May 2019

- A submission on inclusion of a Noise Control Boundary for Fonterra Te Rapa Dairy Factory
- Transpower seek an amendment to Policy 5.5.2 to recognise existing infrastructure.

4 New Zealand Defence Force (NZDF)

4.1 Analysis

10. The submission from NZDF [796] seeks to include a permitted activity rule to enable Temporary Military Training Activities (TMTA) to be included in every zone. The NZDF has provided information that has been very informative as to what the activity entails.
11. Evidence received from Rebecca Davies on behalf of NZDF indicates that noise resulting from the discharge of ammunition or explosives is the only effect of temporary military training activities that warrants specific management through the district plan. In this regard, NZDF have provided specialist advice on effective and efficient controls for noise generated by the activity. The evidence points out that the proposed provisions have been incorporated into 12 other district plans.
12. It is uncommon for TMTA to occur in the Waikato District, however, NZDF consider that the Waikato may be an area where they choose to undertake TMTA. The proposal does not pre-empt a change in the nature or quantity of training likely to be conducted in the Waikato District, but rather seeks to simplify and modernise the rules applying to TMTA and ensure that the activities remain lawful.
13. Other activities such as search and rescue, driver training, medical and dental services, camp setup, small construction tasks, signals, Medevac simulation, civil defence support and emergency response, Improvised Explosive Device Disposal (IEDD) exercises, dog training, and infrastructure support are also conducted by other services or civilian organisations such as the Police Force, search and rescue organisations and Fire and Emergency NZ. It is not that TMTA are large-scale temporary events; they are typically small to medium in scale, as indicated by the types of activities mentioned. While TMTA usually occurs for a period of a few hours or days, in some cases they may occur over a period of days or weeks on an intermittent or continuous basis, during day and night.
14. The evidence discusses that TMTA are typically planned well in advance and require time to secure landowner agreement. NZDF have acknowledged that the noise effects from TMTA need to be appropriately controlled with the District Plan.
15. I acknowledge that several other councils have adopted the provisions proposed by NZDF, although Thames Coromandel and Lakes District have rejected the proposal, concluding that there was no need for any controls at all on noise from TMTA. I have had discussions with Council staff who are ex-army personal to help with my understanding of what TMTA may likely entail, and from those discussions I consider that it is probable that there would be few occurrences of TMTA being undertaken (also confirmed within the evidence). In this regard I am comfortable that the provisions proposed are unlikely to have much impact on the district, except for one point which I invite NZDF to elucidate on more at the Hearing. This is in relation to noise generated and the following proposed standard provided by NZDF:

The activity shall comply with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:

 - a) 0700 to 1700 hours: 500m
 - b) 1900 to 0700 hours: 1,250m
16. Further evidence relating to the provisions has also been provided by Sara McMillan on behalf of NZDF, who has pointed out that my recommendations of provisions within the s42A report

includes mobile noise. This was intentional, as discussed in my s42a report. I considered at the time that the proposed rule was appropriate for both fixed noise and mobile noise (using the construction noise standard as set out in the PDP), and that any other noise generated should undergo a consenting process if it could not comply with that standard.

17. However, on reflection and when considering the more detailed information provided, I consider that the noise provisions for both stationary and mobile activities could be amended further to accommodate the activity as per the submission. As acoustics is outside my area of expertise and experience, I have sought assistance from Mr Jon Styles to provide comment on the noise provisions in general. Unfortunately, he was unable to undertake a review of the provisions before my rebuttal evidence was due and thus, he will prepare a supplementary statement to the Panel and submitters on this matter by end of July early August 2021.
18. Nevertheless, as mentioned, it would be useful for NZDF to discuss at the hearing the lack of noise limits and reliance only on a setback to mitigate weapons firing noise.

4.2 Recommendations

19. Having considered the points raised in evidence I am persuaded by the evidence provided by NZDF, therefore wish to make the following recommendation that the submission be accepted, subject to the discussion held in relation to the noise setback rule.

4.3 Recommended amendments

20. I therefore make the following amendment to my initial recommendation:

Activity	Activity-specific conditions
<p><u>PXX</u> <u>Temporary military training activities</u></p>	<p>(a) <u>The activity must comply with the permitted Activity Noise Standards for Temporary military training activities;</u></p> <p>(b) The event occurs not more than 3 times per single 12-month period;</p> <p>(c) The duration of each event is less than 72 hours; The duration must be less than 31 days (excluding set up and pack down).</p> <p>(d) <u>The site is returned to its original condition no more than 3 days after the end of the event TMTA unless provided for elsewhere in this plan as a permitted activity.</u></p> <p>(e) There is no direct site access from a national route or regional arterial road.</p>
<p><u>RDI</u></p>	<p>(a) <u>Temporary Military Training activities that do not comply with Rule PXX;</u></p> <p>(b) <u>Councils' discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Effects on amenity values;</u></p> <p>(ii) <u>Timing and duration;</u></p> <p>(iii) <u>Hours and days of Military Training activities</u></p>

Noise - Temporary military training activities

Activity		Activity-specific conditions
<u>PXX</u>	<u>Temporary military training activities (other than the firing of weapons or use of explosives)</u>	<p>(a) <u>Mobile noise sources, including personnel and light and heavy vehicles, self-propelled equipment, earthmoving equipment, 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).</u></p> <p>(b) <u>Fixed (stationary) noise sources including power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems 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:</u></p> <p>(i) <u>55dB (L_{Aeq}), 7am to 7pm, every day;</u></p> <p>(ii) <u>50dB (L_{Aeq}), 7am to 10pm, every day; and</u></p> <p>(iii) <u>45dB (L_{Aeq}) and 75dB (L_{max}), 10pm to 7am the following day.</u></p> <p>(c) <u>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.</u></p>
<u>PXY</u> <u>Temporary military</u>	<u>Temporary military training activities (which involve the firing of weapons or use of explosives)</u>	<p>a) <u>Notice is provided to the Council at least 5 working days prior to the commencement of the activity.</u></p> <p>b) <u>The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:</u></p> <p><u>· 0700 to 1900 hours: 500m</u></p> <p><u>· 1900 to 0700 hours: 1,250m</u></p> <p>c) <u>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:</u></p>

		· 0700 to 1900 hours: 95 dBC · 1900 to 0700 hours: 85 dBC
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4.4 Section 32AA evaluation

21. The recommended additional rules addressing Temporary Military Training Activities recognise the importance of Military training and enable the Military to fulfil their statutory obligations under the Defence Act. Providing for temporary military training activities would also meet the objectives of the Proposed District Plan, in that it would enable people and communities to provide for their safety.

Other reasonably-practicable options

22. Maintaining the status quo of the Proposed District Plan as notified is an option, however all Temporary Military Training activities would be assessed as either Discretionary or a non-complying activity as they are not expressly identified as an activity.

Effectiveness and efficiency

23. The restriction of duration and number of events combined with appropriate noise standards will ensure that the amenity of the surrounding area is not compromised to any great degree. The amendments support the respective policies that enable activities that may not be provided for within the zone and provide suitable guidance to plan users for the assessment of those activities. The rules will be effective by providing clarity as to the activity status of TMTA and the standards for those activities.

Costs and benefits

24. There may be some costs associated with this type of activity, such as traffic, noise, and effects on amenity. However, these will be temporary in nature, as it is likely that military training exercises are not commonplace. Further to this, provisions that manage the duration of the events are recommended to be included in the rule framework. However, there are benefits to the community, as the NZDF can train for the benefit of everyone and cultivate a variety of abilities.

Risk of acting or not acting

25. There are no additional risks in not acting. TMTA are by nature temporary and are mandated through the Defence Act. TMTAs are important exercises for the New Zealand Defence Force and are not carried out regularly in the Waikato District. The risk in permitting these activities will be managed through noise standards. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the Proposed Plan.

Decision about most appropriate option

26. The amendment gives effect to the objectives managing reverse sensitivity within the Proposed District Plan. It is considered to be more appropriate in achieving the objectives than the notified version.

5 Fonterra Dairy Factory

5.1 Analysis

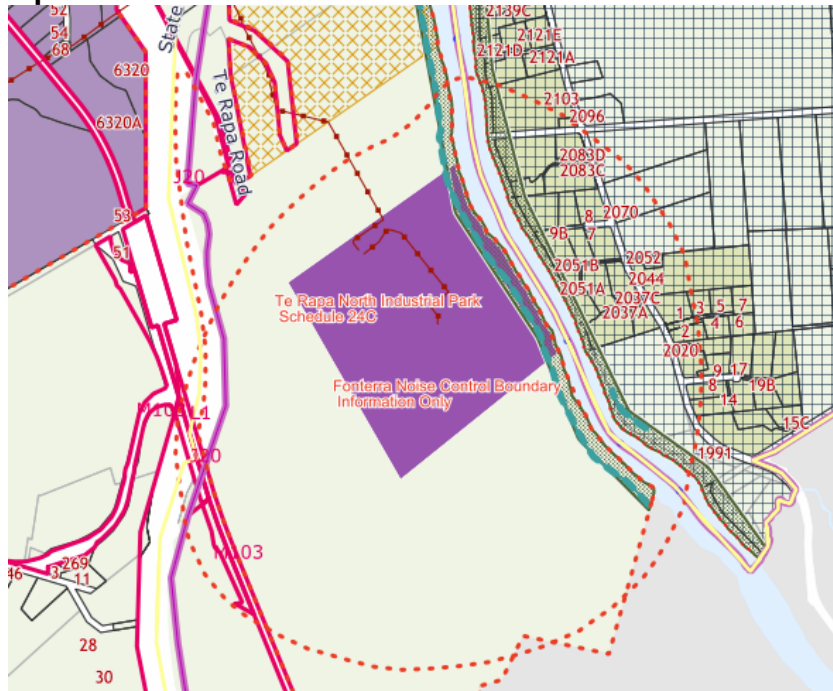
27. The submission from Fonterra seeks to amend the Proposed Plan Maps to include the extent of the Te Rapa Dairy Facility Noise Control Boundary (NCB). It was noted in Hearing 12: Country Living Zone that this overlay in the Operative District Plan maps had no associated provisions and was for information purposes only.
28. Mr Chrisp on behalf of Fonterra has provided an extensive detailed account of the history of the Fonterra site. It is clear from the analysis provided that the Te Rapa Dairy factory was initially established away from sensitive land uses (apart from a small number of rural dwellings). It is noted that there has been development in the vicinity of the Fonterra site through historic planning regimes, as pointed out by Mr Chrisp, and that there is now a Country Living Zone adjacent to the Fonterra site on the opposite side of the Waikato River.
29. Much of the area affected by the NCB is now within the Hamilton City Council boundary and only leaves a very small amount of Rural-zoned land (and an area now zoned Reserve) and a small area of Country Living Zone (see maps below).
30. Mr Chrisp considers that the NCB should be shown on the planning maps for information purposes at the very least, with a clear link directing plan users to the Hamilton City District Plan to the rule that manages noise (see below excerpt from Hamilton City Council Operative District Plan).

25.8.3.8 Te Rapa Dairy Manufacturing Site Noise Emission Boundary

a)	Any activity within the Te Rapa Dairy Manufacturing Site shall be designed and conducted so that noise from site activities, other than construction noise, measured at the Te Rapa Dairy Manufacturing Site Noise Emission Boundary shown on Planning Maps 1B, 2B, 6B and 7B and Figure 6-6 in Volume 2 shall not exceed 45 dB L_{Aeq} (15 min).
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31. A similar issue in relation to Mystery Creek Event Centre was discussed in Hearing 12 Country Living Zone. In that hearing, the submitter sought the inclusion of the noise boundary that recognised that the noise levels in the Waipa District Plan allowed for a higher level of noise during the Fieldays and the noise boundary was to inform the owners of properties within the Waikato District that during this time the noise levels are permitted to be higher. In this example, the event is only for the duration of 3 days, and the s42A recommendation was not to include the noise boundary, as there are no associated rules. In the situation of a noise boundary for the Fonterra site, I consider this to be a similar scenario, except for the fact that the Fonterra site operates on a 24-hour basis.
32. The evidence from Mr Chrisp provided suggests including a clear link to the HCC rule. The HCC rule indicates that the noise levels generated at the site that are acceptable. In my view, it is not appropriate to refer to another council's rule within the Waikato Proposed District Plan. I believe this would add confusion as to where the responsibility lies in terms of the management of noise.
33. When considering the area that is affected by the NCB, I have provided maps below to show the difference between the Operative Plan and that sought by Mr Chrisp.

Operative Plan



Proposed Plan (as notified NCB has not been included)



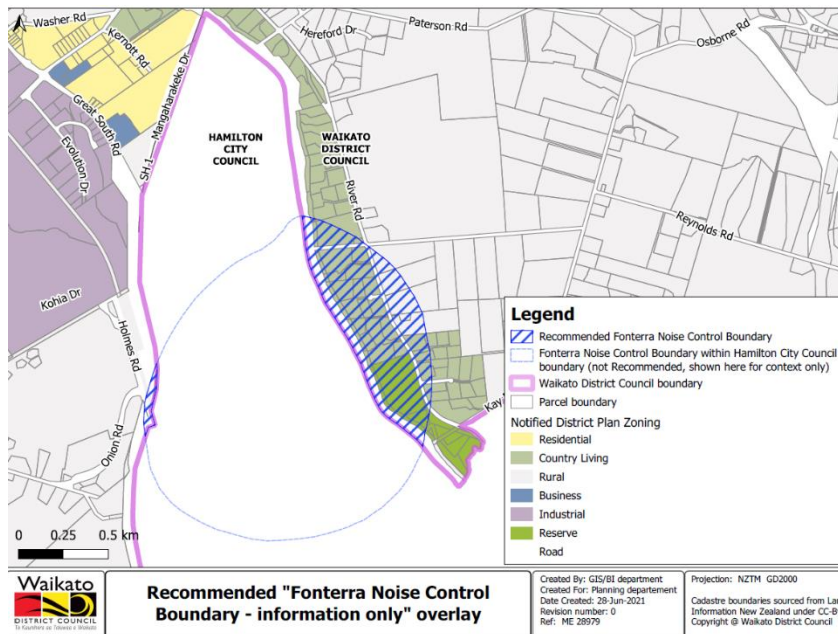
34. On reflection, I can see that it may be beneficial to the property owners on the eastern side of the river to know that the Fonterra site is subject to rules contained in the Hamilton City Council District Plan. If the Panel are of a mind to include the Noise Control Boundary on the PDP maps, I recommend that this is for information purposes. I can see the value in it being included in Land Information Memorandum reports, along with a guidance note informing property owners about the rule contained in the Hamilton City Council District Plan.

5.2 Recommendations

35. Having considered the points raised in evidence, I am persuaded by the evidence of Mr Chrisp [797.39], therefore wish to make the following recommendation that the submission be accepted in part, to the extent that the NBC be included on the Proposed Maps.

5.3 Recommended amendments

36. I therefore make the following amendment to my initial recommendation:



5.4 Section 32AA evaluation

37. The recommended inclusion of the Fonterra Noise Boundary on the Proposed Plan Maps as an information layer will ensure awareness of noise generated from the Fonterra Dairy Factory.

Other reasonably-practicable options

38. One option is to not include the Fonterra Noise Control Boundary, and another is to include the NCB as an information layer only, that affords plan users and property owners an understanding of the Fonterra site in terms of noise management.

Effectiveness and efficiency

39. The recommended amendments to the Proposed Planning maps will enable awareness of the Fonterra site and the area that encompasses the NCB. This will be a more effective and efficient way of meeting Objective 5.3 Rural Character and Amenity and the supporting policies for reverse sensitivity effects relating to the Rural Zone; and as well, the recommended new Policy 5.1.19 Reverse Sensitivity win the Country Living Zone.

Costs and benefits

40. There are no additional costs. There are benefits to the environment with the additions to the Proposed Planning Maps, as it will be clearer about the area the NCB encompasses and generation of noise from the dairy factory.

Risk of acting or not acting

41. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the Proposed Planning Maps.

Decision about most appropriate option

42. The amendment gives effect to the objectives for the Rural Chapter and the supporting policies managing reverse sensitivity within the Rural Zone and the Country Living Zone. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the proposed planning maps.

6 Policy 5.5.2

6.1 Analysis

43. The submission from Transpower New Zealand Ltd [576.12] seeks to amend Policy 5.5.2 to recognise existing infrastructure. Policy 5.5.2 manages activities within Hamilton's Urban Expansion Area.
44. I am persuaded by the evidence provided by Transpower NZ Ltd, as it considers that if the infrastructure such as the National Grid is already there, the policy would not give effect to the National Policy Statement on Electricity Transmission 2008 in terms of 'recognising and providing for the effective operation, maintenance, upgrading and development of the electricity transmission network'. I consider that the proposed amendment will also give effect to the Regional Policy Statement, Policy 6.3 Co-ordinating growth, and infrastructure.
45. I note that a similar approach has been taken in the provisions for Significant Natural Areas where recognition has been given to existing infrastructure in the policy framework managing vegetation clearance. Further to this, in Chapter 14: Infrastructure, the maintaining or upgrading of existing infrastructure is a permitted activity. However, rather than amend Policy 5.5.2 (a), I recommend including a stand-alone clause to recognise this infrastructure as follows:
- (b) recognise existing infrastructure within the area and ensure the ongoing operation, maintenance, upgrading and development of the infrastructure is not compromised*
46. I note that infrastructure is identified in Part 2 of the RMA and covers many scenarios, and I am cognisant of not only the NPSET as mentioned above, but also the NPS-UD where infrastructure will be required for future urban development of Hamilton's Urban Expansion Area.

6.2 Recommendations

47. I am persuaded by the evidence of Transpower New Zealand Ltd [576.12] and I recommend the following further amendment to my initial recommendation.

5.5.2 Policy-Activities within Hamilton's Urban Expansion Area

(a) Manage subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future development is not compromised.

(b) recognise existing infrastructure within the area and ensure the ongoing operation, maintenance, upgrading and development of the infrastructure is not compromised²

² Transpower New Zealand Ltd [576.12]

6.3 Section 32AA evaluation

48. The recommended amendment to Policy 5.5.2 is to recognise the importance of the ongoing operation and development of existing infrastructure. The proposed amendment for the additional clause (b) will also give effect to the NPSET and the Regional Policy Statement - Policy 6.3 Co-ordinating growth and infrastructure.

Other reasonably-practicable options

49. One option is to not provide for recognition of existing infrastructure within the Hamilton's Urban Expansion Area. Another option is to include a policy that recognises lawfully-established infrastructure and enable its ongoing operation.

Effectiveness and efficiency

50. The recommended amendment to Policy 5.5.2 will give effect to the Regional Policy Statement to ensure recognition is given to infrastructure. As well, the recommended amendments will also achieve Objective 6.1.1 Development, operation, and maintenance of infrastructure in Chapter 6 Infrastructure. The amendment will provide suitable guidance to plan users for the assessment of activities that affect the Urban Expansion Area.

Costs and benefits

51. There are benefits for Hamilton's Urban Expansion Area with the revised policy as it is clearer about the relationship of future development and existing infrastructure. The amended policy will enable the ongoing maintenance and operation of existing infrastructure. Other benefits are clearer guidance to plan users regarding established infrastructure and the wider benefit to the local and regional community.

Risk of acting or not acting

52. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the policy.

Decision about most appropriate option

53. The amendment gives effect to the WRPS and Objective 6.1.1 Development, operation and maintenance of infrastructure in Chapter 6 Infrastructure. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version.

7 Conclusion

54. In conclusion, I consider that the submissions contained in Hearing 28 should be accepted, or rejected, as set out in Appendix 1, for the reasons set out in this report.
55. I recommend that noise provisions regarding NZDF Temporary Training Activities be included in all Chapter zones, as set out in Appendix 2 below.
56. I recommend an information layer showing the inclusion of the Fonterra Dairy Factory Noise Control Boundary in the Proposed Planning maps, as set out in Appendix 2 below.
57. I recommend including a clause in Policy 5.5.2 to recognise existing infrastructure within the Hamilton Urban Expansion Area, as set out in Appendix 2 below.
58. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to the objectives), the relevant objectives of the Proposed Plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included in this report.

Appendix I: Table of amended recommendations

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
797.39	Fonterra Limited	Oppose	Amend the Planning maps to identify the extent of the Te Rapa Dairy Manufacturing Facility Noise Control Boundary (See submission for map). AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.	Accept	5
FSI387.1277	Mercury NZ Limited for Mercury D	Oppose		Reject	5
796.3	New Zealand Defence Force		Add a permitted activity rule for temporary military training activities within a general district wide chapter that applies across all zones, subject to appropriate noises standards; OR Add a new permitted activity rule as shown below for temporary military training activities to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter 19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25 Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone P* Temporary military training activities Activity-specific conditions The activity must comply with the permitted activity noise standards for temporary military training activities.	Accept	4
FSI385.51	Mercury NZ Limited	Oppose		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1339.180	NZTE Operations Limited	Not Stated		Accept	4
796.4	New Zealand Defence Force		Add permitted activity noise standards in a general district-wide chapter that applies across all zones for temporary military training activities (see Attachment 2 to the submission for specific standards); OR Add new permitted activity noise standards for temporary military training activities (see Attachment 2 to the submission for specific standards) to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter 19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25 Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone	Accept	4
FS1385.52	Mercury NZ Limited	Oppose		Reject	4
FS1339.181	NZTE Operations Limited	Not Stated		Accept	4
796.5	New Zealand Defence Force		Add a controlled activity rule within a general district wide chapter of the District Plan for temporary military training activities that do not meet Permitted Activity standards; OR Add a new controlled activity rule as shown below for temporary military training activities that do not meet the permitted activity standards to the following chapters: Chapter 16 Residential Zone Chapter 17 Business Zone Chapter 18 Business Town Centre Zone Chapter 19 Business Zone Tamahere Chapter 20 Industrial Zone Chapter 21 Industrial Zone Heavy Chapter 22 Rural Zone Chapter 23 Country Living Zone Chapter 24 Village Zone Chapter 25	Accept	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Reserve Zone Chapter 26 Hampton Downs Motor Sport Recreation Zone Chapter 27 Te Kowhai Airpark Zone Chapter 28 Rangitahi Peninsula Zone C* Any temporary military training activities that do not comply with the permitted activity noise standard. Council's discretion shall be restricted to the following matters: (a) Noise effects		
<i>FS1385.53</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Reject</i>	<i>4</i>
<i>FS1339.182</i>	<i>NZTE Operations Limited</i>	<i>Not Stated</i>		<i>Accept</i>	<i>4</i>

Appendix 2: Recommended amendments

NZDF

The following rules are to be included in the following zones: Chapter 16: Residential, Chapter 17: Business Zone, Chapter 18: Business Town Centre, Chapter 19: Business Zone Tamahere, Chapter 22: Rural Zone, Chapter 23: Country Living Zone, Chapter 24: Village Zone, Chapter 25: Reserve Zone and Chapter 28: Rangitahi Peninsula Zone.

Activity		Activity-specific conditions
<u>PXX</u>	<u>Temporary military training activities</u>	<p>(f) <u>The activity must comply with the permitted Activity Noise Standards for Temporary military training activities;</u></p> <p>(g) The event occurs not more than 3 times per single 12-month period;</p> <p>(h) The duration of each event is less than 72 hours; The duration must be less than 31 days (excluding set up and pack down)</p> <p>(i) <u>The site is returned to its original condition no more than 3 days after the end of the event TMTA unless provided for elsewhere in this plan as a permitted activity.</u></p> <p>(j) There is no direct site access from a national route or regional arterial road.</p>
<u>RDI</u>	<p>(c) <u>Temporary Military Training activities that do not comply with Rule PXX;</u></p> <p>(d) <u>Councils' discretion shall be restricted to the following matters:</u></p> <p>(iii) <u>Effects on amenity values;</u></p> <p>(iv) <u>Timing and duration;</u></p> <p>(iii) <u>Hours and days of Military Training activities³</u></p>	

Noise- Temporary military training activities

Activity		Activity-specific conditions
<u>PXX</u>	<u>Temporary military training activities (other than the firing of weapons or use of explosives)</u>	<p>(c) <u>Mobile noise sources, including personnel and light and heavy vehicles, self-propelled equipment, earthmoving equipment, 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).</u></p> <p>(d) <u>Fixed (stationary) noise sources including power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall comply with the noise limits set out in the table below when measured at the notional</u></p>

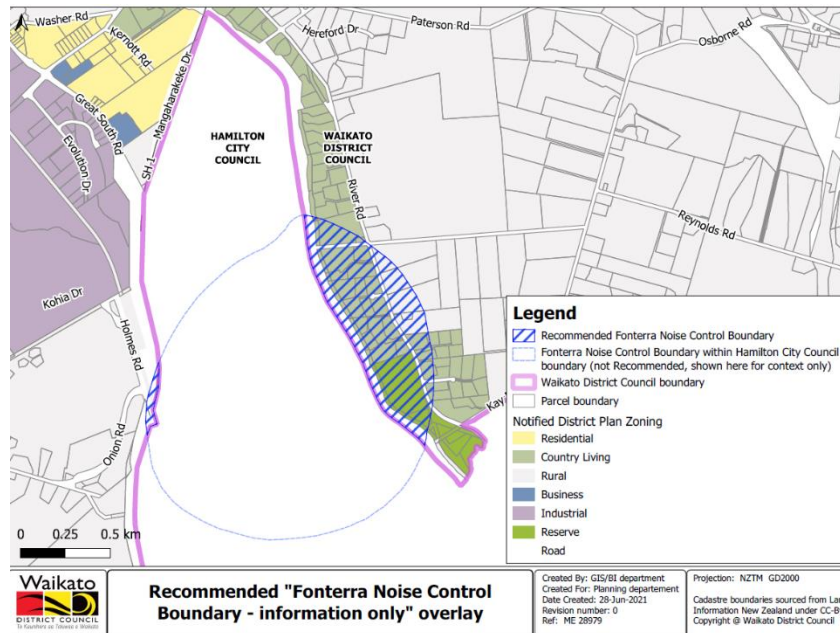
³ New Zealand Defence Force [796.3]

		<p><u>boundary of any building housing a noise sensitive activity:</u></p> <p>(iv) <u>55dB (L_{Aeq}), 7am to 7pm, every day;</u> (v) <u>50dB (L_{Aeq}), 7am to 10pm, every day;</u> <u>and</u> (vi) <u>45dB (L_{Aeq}) and 75dB (L_{max}), 10pm to 7am the following day.</u></p> <p>(c) <u>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.</u></p>
<p><u>PXY</u> <u>Temporary military</u></p>	<p><u>Temporary military training activities (which involve the firing of weapons or use of explosives)</u></p>	<p>a) <u>Notice is provided to the Council at least 5 working days prior to the commencement of the activity.</u></p> <p>b) <u>The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:</u> · <u>0700 to 1900 hours: 500m</u> · <u>1900 to 0700 hours: 1,250m</u></p> <p>c) <u>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:</u> · <u>0700 to 1900 hours: 95 dBC</u> · <u>1900 to 0700 hours: 85 dBC⁴</u></p>

⁴ New Zealand Defence Force [796.4] and [796.5]

Proposed Planning Map

Fonterra Dairy Factory Noise Control Boundary Information Layer



5.5 Hamilton's Urban Expansion Area

5.5.1 Objective-Hamilton's Urban Expansion Area

- (a) Protect land within Hamilton's Urban Expansion Area for future urban development

5.5.2 Policy-Activities within Hamilton's Urban Expansion Area

- (a) Manage subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future development is not compromised.

(b) recognise existing infrastructure within the area and ensure the ongoing operation, maintenance, upgrading and development of the infrastructure is not compromised⁶

⁵ Fonterra Limited [797.39]

⁶ Transpower New Zealand Ltd [576.12]

