

Submission on Publicly Notified Plan Change 32

Selwyn District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: Selwyn District Council
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1 Preliminary Matters:

- 1.1 This is a submission on Plan Change 32 to the Selwyn District Plan (Rural Residential Activities).
- 1.2 This submission relates to rural residential development within the Greater Christchurch Urban Development Strategy Area (UDS) in close proximity to the West Melton Military Training Area (WMMTA).
- 1.3 This submission **opposes Plan Change 32 as it is notified unless amendments as included in this submission are incorporated.**

2 Reason for the Submission

- 2.1 NZDF does not consider that Plan Change 32 (PC32) adequately addresses the issue of rural residential development and reverse sensitivity with respect to the WMMTA. While NZDF supports the intention to provide provisions in the Selwyn District Plan (the District Plan) to more effectively manage rural residential development outside the urban limits of townships within the UDS, it does not consider the provisions proposed are adequate to provide protection for the WMMTA and its long term operational capacity. This is particularly relevant given the limited strategic direction provided through the proposed Living 3 zone

rules under PC32 with respect to zone location and form. Given the proximity of the West Melton urban limits to the WMMTA Outer Noise Boundary and the known interest in the area for rural residential lots (notably PC17 submissions for rezoning and recent Selwyn District subdivisions to the north of Halkett Road), this is a serious concern to NZDF. NZDF is concerned that uncontrolled growth in rural residential land use, and the inevitable exposure of new residents to noise from WMMTA, will result in increasing pressure on NZDF to limit training activities at WMMTA despite designated land use rights.

- 2.2 PC32 recognises the WMMTA; however the Noise Boundary, identified as a constraint to development in the Rural Residential Background Report (RRBR)¹, has not been incorporated into PC32. The Noise Boundary forms an integral part of the training area as noise effects, which can be significant at times, from lawful activities undertaken on the designated site extend to this boundary. Appropriate land use planning methods need to be implemented to ensure the future efficient operation of the training area is maintained and the health, well-being and amenity of people is not compromised. This is taking a proactive approach to changing land uses with conflicting objectives and is a similar approach taken to other noise generating activities such as airports.
- 2.3 NZDF considers that PC32 does not give effect to Policy 13, Chapter 12A² of the Canterbury Regional Policy Statement (CPRS) with respect to WMMTA. This policy specifically requires that rural residential development should not compromise the operational capacity of WMMTA; and not give rise to significant reverse sensitivity effects with strategic infrastructure which, as defined, includes WMMTA.

3 Background

- 3.1 The WMMTA is designated for Defence Purposes – Military Training Area under the District Plan. The site is used primarily as a Rifle Range. The underlying zoning of the WMMTA is Rural, Inner Plains. The NZDF has serious concerns about the potential for reverse sensitivity effects of further rural residential development in this area to compromise the operational capacity of the WMMTA, particularly given its proximity to West Melton Township, and the existence of existing rural lifestyle lots (4ha and less) in this area. NZDF and Selwyn District Council (SDC) have engaged in consultation on this matter on numerous occasions in the past.
- 3.2 NZDF had several noise assessments undertaken to determine a Noise Boundary with associated contours and have previously provided the results to Selwyn District Council. The measurements were based on procedures set down in NZS6801:1991 Measurement of Sound. This Standard provides guidance on the technical aspects of noise measurement. The Outer Noise Boundary of the WMMTA extends toward West Melton Township, with its southernmost point falling between Bells Road and Halkett Road, just over 1km from the boundaries of West Melton township. Attached to this submission is a copy of this Noise Boundary showing the approximate location of the boundary (Appendix A), along with a copy of the Noise Effects Contour Predictions (Appendix B).
- 3.3 As can be seen on the Noise Effects Contour Predictions (Appendix B) there are two contours:
 - an Inner Control Area where noise is expected to exceed Ldn 65 dBA (high noise area); and
 - an Outer Control Area (Ldn 55 to 65 dBA) an area where significant noise effects are experienced regularly.
- 3.4 Environmental noise guidelines adopted in New Zealand and elsewhere indicate daily sound exposure levels >55 dBA Ldn represents a level above which the effects on people are deemed sufficiently negative to require implementation of regulations such as the adoption of methods to protect the occupants of new dwellings, or other noise sensitive activities. The high noise area (>Ldn 65 dBA) is generally not suited to residential or other noise sensitive land uses. This is consistent with airport noise management in New Zealand, including within the Selwyn District.

¹ Selwyn District Council: Rural Residential Background Report, February 2011.

² Also Chapter 6 of the Proposed Canterbury Regional Policy Statement. NZDF acknowledges that a judicial review has been lodged with the High Court in respect to the CERA Minister's actions on Plan Change 1 (now Chapter 12A CRPS).

4 Decision Sought from Council

4.1 That Council include the additional amendments to PC32 as set out below³:

- i. **Amendment 65: Quality of the Environment – Objective B3.4.6**
The intention of this objective is to manage rural residential development via the Living 3 zone while taking into account issues and constraints in the UDS. The last point of this objective refers to avoiding significant reverse sensitivity effects on strategic infrastructure and specifically names the WMMTA. NZDF supports the inclusion of WMMTA but requests that this point be reworded to refer to “avoiding compromising the operational capacity of the West Melton Military Training Area”. This is consistent with the CRPS and also takes into account the effects within the Noise Boundary and as such is a key factor relating to reverse sensitivity.
- ii. **Amendment 66: Quality of the Environment - Objectives Explanation and Reasons**
To support the requested amendment to Objective B3.4.6, NZDF seeks that reference be made to the WMMTA Noise Boundary within the explanation and reasons to explain its integral function in the operation of the training area. Suggested wording: “...and West Melton Military Training Area, including the Noise Boundary which has an essential function in protecting the operational capacity of the training area”.
- iii. **Amendment 68: Quality of the Environment – Policy B3.4.3 (b)**
The policy seeks to manage rural residential development via the Living 3 zone while avoiding constraints to development. The WMMTA is specifically mentioned as a constraint to development. NZDF supports the inclusion of WMMTA but requests that this point be reworded to refer to “avoiding compromising the operational capacity of the West Melton Military Training Area”. This is consistent with the CRPS and also takes into account the effects within the Noise Boundary, which was identified in the RRBR as a constraint to development.
- iv. **Amendment 69: Quality of the Environment – Policy B3.4.3 (b) Explanation and Reasons**
To support the requested amendment to Policy B3.4.3 (b), NZDF seeks that reference be made to the WMMTA Noise Boundary. Suggested wording: “.....West Melton Military Training Area, including the Noise Boundary,....”
- v. **Amendment 119: Restricted Discretionary Activities – Subdivision – Assessment Matters**
Section 4.2 below requests a Noise Boundary map with associated rules be inserted into the District Plan. The effect of this would be that subdivision consent within the Outer Noise Boundary subject to further provisions (i.e., acoustic insulation and outdoor living space orientation) may be appropriate. NZDF seeks that compliance with these provisions is a matter over which discretion is restricted.
- vi. **Growth of Townships – Preferred Growth Option West Melton**
NZDF requests that the approach taken with the other Preferred Growth Townships be applied to West Melton. This provides greater strategic direction for potential Living 3 zones in this area, and a stronger foundation to achieve the Environmental Results Anticipated as indicated in Amendment 83 (relating to subdivision avoiding areas in close proximity to strategic infrastructure). Suggested amendment to Township Volume, Policy B4.3.96: “Provide a primary focus for new residential, Living 3 Zone rural residential activities, or business development north of State Highway 73 and south of Halkett Road, and to allow only a limited extent of new low density residential development south of State Highway 73.”

4.2 That the following amendments be made to the Rural and Townships Volumes of the Selwyn District Plan as appropriate to effectively provide for the amendments requested on PC32 in section 1 above:

- a. Objectives, Policies, Explanations and Reasons, and Rules to be implemented within the District Plan to control the development of rural residential activities within the Noise Boundaries of the WMMTA;
- b. NZDF suggests the following, in addition to the attached Noise Boundary and Predicted Contour Diagrams in Appendices A & B, as a baseline for further discussions:

³ Underlined text indicates suggested new wording. Similar text that achieves the same intended outcome may be accepted subject to discussion with NZDF.

- i. That a Noise Boundary Map with associated contours be included within the District Plan, with associated rules to control development within that boundary;
- ii. That maximum noise levels be set (based on dBA Ldn) consistent with the Noise Boundary and Noise Effects Contour Predictions (as included in the Appendices);
- iii. Preclude the further development of new noise sensitive land use activities within areas likely to receive >65 dBA Ldn (i.e., within the Inner Control Boundary); and
- iv. Managing the lower level noise effects within areas projected to receive noise exposure levels between Ldn 55 dBA and Ldn 65 dBA (outside the Inner Control Boundary, but within the Outer Control Boundary) by limiting minimum lot sizes and adopting minimum acoustic insulation standards to protect indoor habitable spaces from potential adverse effects of firing and detonation sounds.
- v. Requiring that outdoor living spaces associated with new dwellings be orientated away from the West Melton Military Training Area;

- 4.3 NZDF is willing to discuss this with Council and undertake work in collaboration with Council to determine the most appropriate regulations to effectively manage the interaction between the long established WMMTA and new rural residential development within the WMMTA Noise Boundary area.
- 4.4 If these amendments as requested above (or amendments to similar effect) are not included in the Plan Change then NZDF does not support any further rural residential development outside the urban limits within the Selwyn UDS, and requests SDC declines PC32 and proposes a new plan change for the District Plan based on Option 1 of the PC32 Assessment Report .

5 Hearing

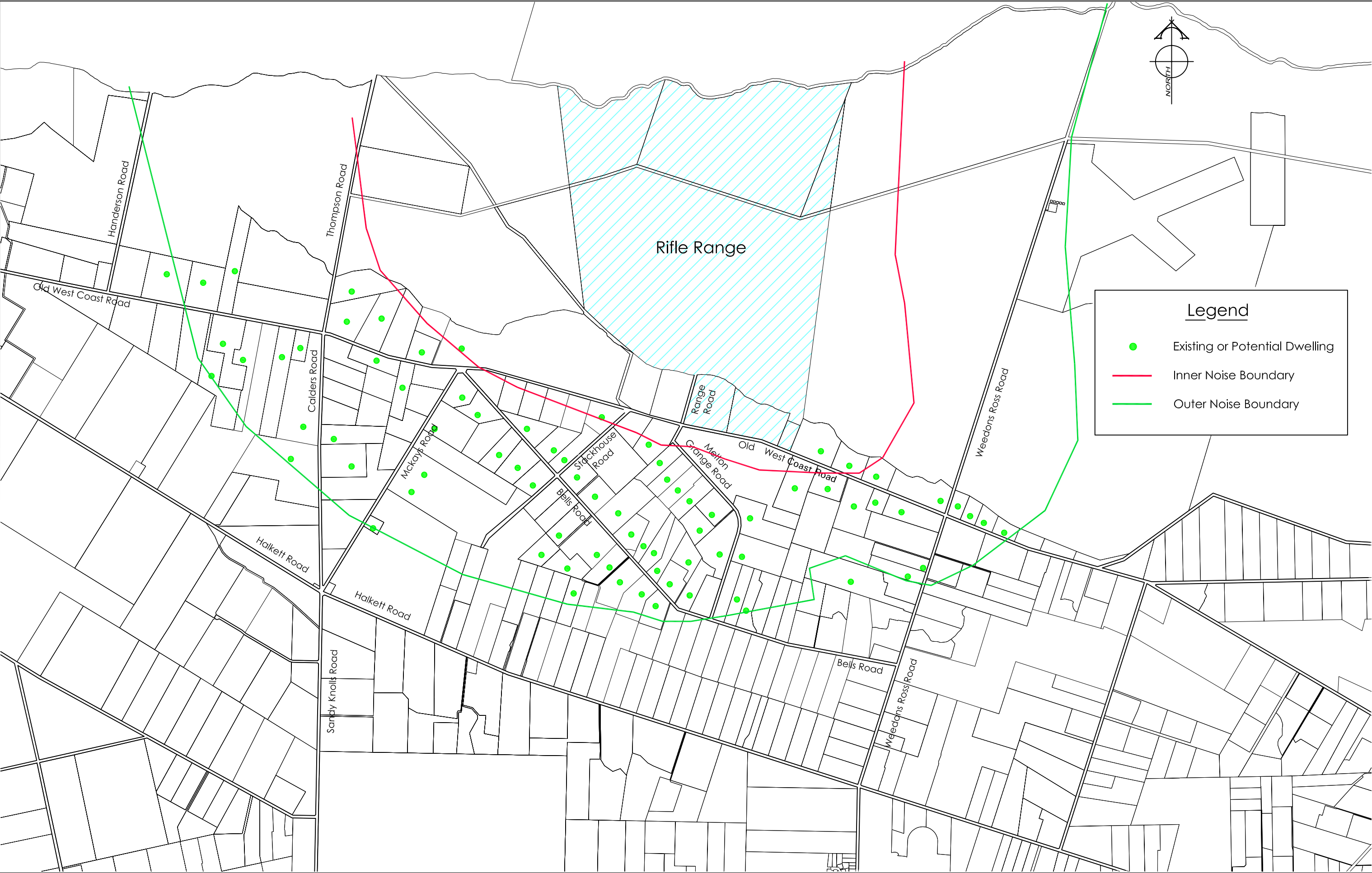
- 5.1 NZDF wishes **to be heard** in support of this submission.
- 5.2 If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.

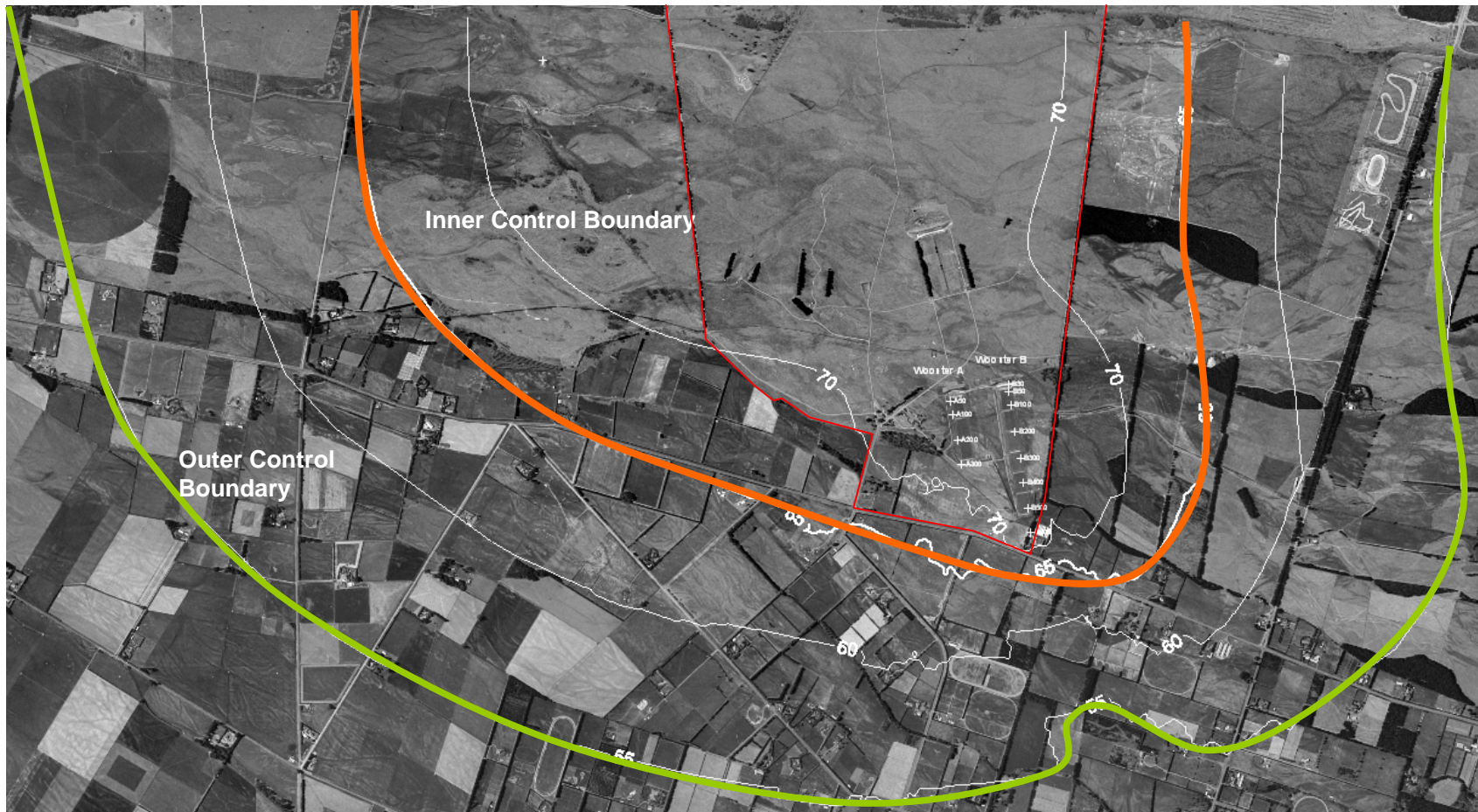


Signature of Submitter
 Wing Commander Neil Taylor
 Acting Group Manager - Property Group
 Defence Shared Services
 NZ Defence Force

Date 4/5/12

Appendices





Recommended locations for Inner Control Boundary (based on future Ldn 65 dBA or greater) and Outer Control Boundary (based on future sound exposure > 55 dBA but less than Ldn 65 dBA)