

10 October 2022

Selwyn District Council
C/- Grace Hadfield
Hearings Administrator
Via email: hearings@selwyn.govt.nz

Attention: Hearings Panel

Dear Sir/Madam

**Proposed Selwyn District Plan (Private Plan Change 80: Rezone Rural Inner Plain
Zone to Business 2A Zone, Rolleston)**

Introduction

I refer to the abovementioned matters set down for hearing commencing Thursday 20 and Friday 21 October 2022. The New Zealand Defence Force (NZDF), identified as **submitter DP-0448**, will be attending the hearing to clarify its position in regard to seeking no complaints covenants and to provide further information regarding activities carried out on Defence land in the vicinity of land subject to proposed Plan Change 80 (PC 80).

Reverse Sensitivity Effects

1. NZDF is concerned about potential reverse sensitivity effects arising from new development in the vicinity of Defence facilities around the country, including in the Selwyn District. Reverse sensitivity effects have the potential to impact on the efficient operation, use and development of such facilities. NZDF therefore engages in a wide range of processes under the Resource Management Act 1991 (RMA) in relation to development in the vicinity of Defence facilities. NZDF has taken a consistent approach nationwide in these processes, which is that if development is to occur in the vicinity of Defence facilities, then it needs to be managed in a way that avoids effects on Defence facilities including reverse sensitivity effects.
2. The issue of reverse sensitivity is magnified due to the level of growth and development the Selwyn District is undergoing. The Selwyn District Council is identified as a Tier 1 local authority in the National Policy Statement on Urban Development 2020. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act provides for significant development and intensification in Tier 1 areas. PC80 is one of many proposed plan changes occurring in the district and allows for future industrial and business development at 7 – 183 Two Chain Road.

Burnham Military Camp

3. NZDF lodged a submission on proposed PC 80 seeking to ensure that the operation of Burnham Military Camp (which includes Aylesbury Range and training areas) is not affected by proposed PC 80. In particular, NZDF requested that effects on the transport

network in the vicinity of Burnham Military Camp be further assessed and that a requirement for no complaints covenants on all new titles be created.

4. The Burnham Military Camp is designated in the Selwyn District Plan for "Defence Purposes". Approximately 1500 military and civilian personnel work and/or live at the Burnham Military Camp and it is of critical importance to ongoing NZDF operations.
5. The Burnham Military Camp (including Aylesbury Range, and training areas) located in the vicinity of PC 80 hosts a wide variety of activities, including noise generating activities and is therefore sensitive to reverse sensitivity effects i.e. from more recently established sensitive activities.
6. The land on the eastern side of the Military Camp (informally known as "Lake Rudd") is currently grazed, however it is also used for NZDF training exercises, which include noise generating activities (refer attached map). Further information regarding activities undertaken within the training area is outlined below:
 - a) Activities undertaken within zones 12, 13 and 14 include blank and dry firing (including use of blanks for machine gun and single fire weapons), with vehicles sometimes in support. It also has been used to host Short Range Inert Practice Projectile training activities. These zones are likely to be used for more intensive and frequent training, including battle simulations, within the next 5 years.
 - b) A driver training circuit is located immediately north of the area marked Coronation Park rugby league that is regularly used and generates vehicle noise.
 - c) Aylesbury Range is located immediately west of Popes Field and is used frequently.
7. Contrary to the Section 42A Acoustic Peer Review Report¹, the Burnham Military Camp is used for noise generating activities and these occur within approximately one kilometre or less from the proposed PC 80 area (not 'more than two kilometres' as set out in that report). The nature of activities and proximity to the PC 80 area therefore means that reverse sensitivity effects can present a major challenge to its efficient operation, use and development.
8. Additionally, NZDF wishes to reiterate that:
 - a) Burnham Military Camp is specifically included in the definition of strategic infrastructure (and strategic infrastructure is included in the definition of "regionally significant infrastructure") in the Canterbury Regional Policy Statement (RPS). There is clear policy direction requiring that new development does not affect the efficient operation, use, and development of strategic/regionally significant infrastructure. This is recognised in the Section 42A Report (at paragraph 52). PC 80 is required to give effect to the RPS.
 - b) There is a need to preserve the operational and training capabilities of Burnham Military Camp so that NZDF can meet its obligations under section 5 of the Defence Act 1990.

No Complaints Covenants

9. NZDF's view has consistently been that no complaints covenants are the most efficient, straightforward and least cost method of managing and avoiding reverse sensitivity effects. Such covenants place the responsibility of accepting the presence of Defence sites, in this case the Burnham Military Camp, and noise effects associated with its lawful operation, on potential new landowners who may be unfamiliar with the area and the operation of Burnham Military Camp. Effectively they are put 'on notice' about effects from the Camp and Defence activities.

¹ Acoustic Engineering Services, 16 Sept. 2022 (Section 2, pg. 5).

10. The precedent of a covenant to address reverse sensitivity effects on NZDF bases and facilities has also been established through the operative provisions of the Auckland Unitary Plan (AUP). No complaints covenants have been successfully applied to the Whenuapai Precinct 1 development near the RNZAF Whenuapai Airbase and were voluntarily included by the applicant in the plan change for the Whenuapai 2 Precinct, both of which provide for residential and commercial development. No complaints covenant were also accepted through the proposed Plan Change 69 hearing process which provided for rezoning of land near the Whenuapai Airbase to Business – Light Industry in the AUP.
11. Given the nature of Defence activities that occur within the vicinity of land affected by PC 80, potential reverse sensitivity effects arising from development enabled by PC 80 is an issue. Importantly while PC 80 proposes that a Business 2A zoning be applied to the land, the relevant provisions in the Selwyn District Plan do not appear to preclude the establishment of a broad range of activities, including noise sensitive activities such as educational and healthcare facilities, within this area. Specifically Rule 13.1.1. provides for any activity as a permitted activity within the Business 2A zone where it complies with all of the relevant permitted activity standards set out in Rules 14 to 23 (i.e. in relation to earthworks, heritage, waste, signs, etc). While a resource consent is required for some noise sensitive activities such as dwellings and visitor accommodation², again that does not preclude such activities from occurring within the land subject to PC80.
12. NZDF's view, therefore, is that no complaints covenants are necessary on the PC 80 land, particularly as it appears that sensitive activities can be established on this land potentially as a permitted activity or otherwise through a resource consent pathway. As noted above, such covenants have been accepted by developers seeking business/industrial zoning of land elsewhere in the country.
13. The RPS establishes a clear policy direction requiring that development does not affect the efficient operation, use, and development of strategic/regionally significant infrastructure. The Selwyn District Plan is required to give effect to this policy direction. NZDF therefore reiterates its submission on PC 80 and requests that a no-complaints covenant forms part of the proposed provisions.

Concluding Statement

NZDF will be appearing before the Hearings Panel to explain and answer any questions on the matters above.

In the interim, please do not hesitate to contact the writer on 021 445 482 should you wish to clarify any matters addressed herein.

Yours faithfully



Rebecca Davies
Principal Statutory Planner
Defence Estate and Infrastructure
Te Ope Kātua o Aotearoa | New Zealand Defence Force

² Visitor accommodation and hospitality activities are discretionary activities pursuant to Rule 13.1.7. Dwellings (and visitor accommodation in specified Activity Centre Precincts) are controlled, restricted discretionary or discretionary activities pursuant to the business zone rules in Section 22.8.