

**BEFORE THE HEARINGS PANEL
UPPER HUTT CITY COUNCIL**

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

A N D

IN THE MATTER Of an Intensification Planning Instrument, as a proposed plan change to the Upper Hutt City District Plan under the Resource Management Act 1991, Schedule 1, Subpart 6.

**STATEMENT OF EVIDENCE OF MIKAYLA ALEXANDRA DAWN WOODS
(PLANNING) ON BEHALF OF THE NEW ZEALAND DEFENCE FORCE
SUBMITTER #53, FURTHER SUBMITTER #13**

14 April 2023

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is Mikayla Alexandra Dawn Woods. I am a Planner and hold the position of Senior Planner at Tonkin & Taylor Limited. I have a Bachelor of Environmental Planning degree from the University of Waikato. I am a full member of the New Zealand Planning Institute (**NZPI**).
- 2 I have over 7 years of experience as a planner. My experience to date includes strategic planning, preparation of submissions and further submissions and the preparation of resource consent applications of varying complexity within Auckland and around New Zealand.
- 3 I am currently engaged by the New Zealand Defence Force (**NZDF**) in a secondment capacity providing planning advice and support with a particular focus on the Intensification Streamlined Planning Processes (**ISPP**) around the country that may impact NZDF's existing facilities.
- 4 I have been engaged by NZDF to provide expert planning advice in relation to the Upper Hutt City Council Proposed Intensification Planning Instrument (**UHCC Proposed IPI**) and do so in my capacity as an independent planning expert. I am familiar with the provisions to which these proceedings relate and while I was not involved in the preparation of NZDF's original submission or further submission on this IPI, I have read and familiarised myself with these documents. I have also read the Council's additional evidence prepared by Mr Matt Muspratt as it relates to NZDF's submission.
- 5 I have also read the feedback that NZDF provided on former Plan Change 50 (**PC50**) concerning residential outcomes which pre-dated the IPI. This includes feedback on:
 - a the Rural and Residential Outcomes and Methods papers for the Upper Hutt District Plan Change 50 – Strategic Objectives and Policies (PC50) dated 2 November 2020; and
 - b the Draft Plan Change 50: Rural and Residential Chapters Review (PC50) to the Upper Hutt City District Plan dated 3 September 2021.
- 6 Although this is a Council hearing, I advise that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court

Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

SCOPE AND STRUCTURE OF EVIDENCE

- 7 My evidence addresses the matters raised in NZDF's submission and further submission however, I note that the following elements of NZDF's submission and further submission are no longer being pursued and therefore are not included in the scope of this evidence:
- a Submission points 53.2 and 53.9 - The inclusion of a definition of Nationally Significant Infrastructure.
 - b Submission points 53.3, 53.5, 53.7 and 53.10 - The inclusion of a spatially defined 'reverse sensitivity buffer' as a qualifying matter and for new development within the buffer to include no-complaints covenants in favour of NZDF.
- 8 Therefore, the scope and structure of my evidence is broadly as follows:
- a A summary statement.
 - b An overview of the strategic importance of Trentham Military Camp **(the Camp)**.
 - c The operative district plan provisions relevant to the Camp.
 - d An overview of reverse sensitivity effects.
 - e The proposed IPI and the amendments sought to the policy framework to address reverse sensitivity effects on the Camp.

SUMMARY OF EVIDENCE

- 9 NZDF is a significant stakeholder in the Upper Hutt City area with the presence of the Trentham Military Camp which is of both regional and national significance. Ms Lucy Edwards' (**Ms Edwards**) statement describes the importance of this facility in enabling NZDF to meet its obligations under the Defence Act 1990. I rely on Ms Edwards' evidence in that regard and do not repeat that here.

- 10 The Camp is used for noise generating activities (including firing ranges and demolition areas) and is therefore sensitive to reverse sensitivity effects. This is of concern in the context of the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendments Act that mandate significant intensification of residential areas. These changes are proposed in the UHCC Proposed IPI provisions.
- 11 Noise from the Camp could be perceived by sensitive land uses such as residential dwellings as an adverse effect, particularly in the instance where residents are new to the area and may not be aware of the presence, and subsequent noise, generated by the Camp.
- 12 Due to the significance of the Camp to NZDF and the potential for reverse sensitivity effects, I consider it appropriate to include provisions within the IPI that adequately protect and provide for the ongoing operation of this Defence facility, both now and into the future.
- 13 NZDF therefore seeks the inclusion of policy provisions reflective of the above and as drafted in **Appendix A** to my evidence. In summary these include:
 - a An amendment to SUB-RES-MC1(6)
 - b An amendment to SUB-RES-R6
 - c An amendment to GRZ-P1
 - d Either an amendment to GRZ-MC2 or addition of a new GRZ-MC3
 - e An addition of a new Objective in the HRZ
 - f An amendment to HRZ-P5

STRATEGIC IMPORTANCE OF TRENTHAM MILITARY CAMP

- 14 The Trentham Defence Facilities occupy approximately 222 hectares of land south of the Upper Hutt Central Business District (**CBD**). It is located in a highly strategic location, and activities undertaken there are integral to NZDF maintaining its operational capacity, in turn providing for the country's security along with community wellbeing and safety. The Camp currently houses approximately 1,000 staff and officers and is the base for a number of military units. The Camp has been in operation at its current

location since before World War I and is an established part of the character of the Trentham area. The strategic importance is further described in Ms Lucy Edwards' statement of evidence.

15 Designation DEF1 for the 'Trentham Military Camp' gives the Minister of Defence broad powers to use the Camp for 'Defence Purposes'. Under section 5 of the Defence Act 1990, defence purposes are activities related to:

- (a) *The defence of New Zealand, and of any areas for the defence of which New Zealand is responsible under any Act;*
- (b) *The protection of interests of New Zealand, whether in New Zealand or elsewhere;*
- (c) *The contribution of forces under collective security treaties, agreements or arrangements;*
- (d) *The contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;*
- (e) *The provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency; and*
- (f) *The provision of any public service.*

16 There are no conditions on the designation.

17 Designation DEF1 therefore gives the Minister of Defence very broad powers to undertake activities for "any or every" of the purposes under section 5 of the Defence Act.

18 I note that Designation DEF1, and the scope of the lawful activities that can be undertaken under the designation are not the subject of any amendment under the IPI. Accordingly, changes to how the Camp is operated is beyond the scope of the hearing. Rather, this hearing relates to changes to land use surrounding the Camp. The planning focus therefore, needs to be on ensuring effects of the surrounding 'upzoned' land use do not adversely affect the ability of the Camp to operate and achieve its functions under the designation and the Defence Act 1990.

OPERATIVE DISTRICT PLAN

- 19 The Camp is located within a Special Activity Zone which acknowledges the *'form and scale of building development, the nature and intensity of activities on the sites and their effects on the environment'*¹. It also acknowledges that these activities make an important and positive economic, social and cultural contribution to the City.
- 20 There is clear policy direction within the current Operative District Plan particularly SAZ-P1 which seeks "to provide for the operation and development of the Trentham Military Camp...".
- 21 Relevant resource management issues associated with the Special Activity Zone are also identified and include:
- a SAZ-I1 – The continuing operation of the Trentham Military Camp ... in a manner which avoids, remedies or mitigates adverse environmental effects. This issue acknowledges that many of the activities in the SAZ are designated and therefore the plan's controls relate mainly to activities not consistent with the designation. I have addressed the designation at Paragraphs 15 to 18 above;
 - b SAZ-I2 – The need to maintain amenity values within the Special Activity Zone and adjoining environments and
 - c SAZ-I3 – The intermittent noise of army activities. This issue is of particular relevance as it acknowledges that *'activities undertaken at Trentham Military Camp include the use of firing ranges and demolition areas, which have been in existence since 1903. While the camp is used for Defence Purposes in terms of its designation there is a potential for noise and other effects on the surrounding environment'*. This is recognition of the inability of the Camp to internalise all of its effects from its lawful activities. This is the fundamental basis of reverse sensitivity and recognition of these effects is required within adjacent residential zones.
- 22 Issue SAZ-I3 is supported by SAZ-O2 which states *'Recognition of the characteristics of activities in the Special Activity Zone and their effects on*

¹ Page 504 of the Operative UH District Plan (National Planning Framework Version - October 2021)

amenity within the Zone and in nearby areas'. This recognises that the nature of some of the activities in the Zone is such that those living nearby must expect the level of their amenity to be affected by them.

REVERSE SENSITIVITY EFFECTS

- 23 The Camp contains a range of land uses, including 'effects producing' activities such as firing ranges and demolition areas. These effects are difficult to completely internalise and therefore can result in effects outside the boundaries of NZDF landholdings and its designation boundaries². This is acknowledged in the Operative District Plan in SAZ-I3 and SAZ-O2 as discussed above.
- 24 Noise from the Camp could be perceived by sensitive land uses such as residential dwellings, as an adverse effect, particularly where residents are new to the area and may not be aware of the presence of, or effects of, the Camp. While noise mitigation can be provided for in the design of buildings themselves, this only addresses effects on noise sensitive activities (and only in relation to internal amenity). It does not address external amenity effects or potential reverse sensitivity effects on the Camp.
- 25 The management of the interface between these intensified urban areas and particular land uses including the Camp is required to reduce the risk of reverse sensitivity arising and allow for the continued operation of the Camp without unreasonable restriction.
- 26 Due to the significance of the Camp and the potential for reverse sensitivity effects, I consider it appropriate to include provisions that adequately protect and provide for the ongoing operation of the Camp both now and into the future. This would enable the intensification to occur in the areas proposed to be intensified as a result of the UHCC Proposed IPI while ensuring that the operation of the Camp is protected.

PROPOSED UHCC IPI

- 27 The UHCC Proposed IPI is required to give effect to the policy direction established by the NPS-UD. The IPI involves 'upzoning' land immediately

² Noting Section 16 of the Resource Management Act 1991 (**RMA**) contains a 'duty to avoid unreasonable noise' which is relevant to all noise generating activities.

adjacent to the Camp including amendments to the General Residential Zone to incorporate the Medium Density Residential Standards (MDRS) and the introduction of a new High Density Residential Zone (HRZ).

- 28 NZDF recognises the need to provide for the intensification, but also needs to ensure there is appropriate provision in the Plan to protect its facilities.
- 29 The increase in density translates to more people in close proximity to the Camp and therefore a greater risk of reverse sensitivity effects occurring. The Council's evidence states³ *"the management of reverse sensitivity effects falls under Section 80E(1)(b)(iii) as a related provision that is consequential on the MDRS and Policy 3 of the NPS-UD. The increased permitted development enabled by the MDRS and Policy 3 has the potential to increase the likelihood of reverse sensitivity effects."*
- 30 While the existing designation (DEF1) as discussed as Paragraphs 15 to 18 constitutes a qualifying matter under section 771(g) of the RMA, this only applies to the land subject to the designation and therefore does not afford any protection beyond the designation boundaries.
- 31 Given the recognition of the potential for reverse sensitivity in the existing Special Activity Zone and the longstanding nature of the Camp and its designated purpose, I consider it appropriate that the policy framework for both the High Density and General Residential Zones acknowledge the potential for reverse sensitivity effects on the Camp. The policy framework needs to set a clear direction in relation to avoiding reverse sensitivity effects on the Camp in order to ensure its safe and efficient ongoing operation.
- 32 NZDF is supportive of a number of the recommendations in the Council's Evidence Report (version IPI(R1)) including adding reverse sensitivity effects as a matter to which Council will restrict its discretion and may impose conditions on in Rules GRZ-R11, R12, R12A and R12B as well as Standards HRZ-S2, S3, S4 and S5 of the HRZ.

³ Paragraph 266

- 33 While supported, Council's recommendations for the inclusion of reverse sensitivity effects as a matter of discretion only relate to development that requires restricted discretionary resource consent. I consider it appropriate to include reverse sensitivity considerations more broadly and consistently throughout the UHCC IPI. The amendments proposed at Appendix A to my evidence seek to achieve this. These include:
- a Amend SUB-RES-MC1(6) to more generally take account of any potential reverse sensitivity effects. I note that Appendix 1 to Council's s42A report has rejected this amendment on the basis that there is insufficient information to demonstrate that reverse sensitivity effects are a resource management issue for the Camp however, as discussed at Paragraph 21 of my evidence, the operative plan identifies this exact issue at SAZ-I3. Furthermore, the amendment proposed by NZDF is now worded generally and does not specifically relate to the Camp. This approach is consistent with that taken for the matters of discretion within the GRZ and HRZ as described at Paragraph 32 above.
 - b Amend SUB-RES-R6 to include reverse sensitivity effects as a matter of discretion. This approach is consistent with that taken for the matters of discretion within the GRZ and HRZ as described at Paragraph 32 above.
 - c Amend GRZ-P1 and HRZ-P5 to include the requirement to minimise reverse sensitivity effects. This is consistent with the Council's evidence⁴ recommending that adding reference to 'minimising reverse sensitivity effects' to the policy framework would be consistent with the relevant rules where it lists reverse sensitivity effects in general as a matter of discretion. Furthermore, this would require resource consent applications for activities other than for restricted discretionary activities to consider the effects of reverse sensitivity (e.g. non-residential noise sensitive activities such as schools or daycares that wanted to establish within a residential zones as a discretionary activity).
 - d Insert a new bespoke objective in the HRZ policy framework that seeks to protect the Camp from incompatible subdivision, use and development, and reverse sensitivity effects. I consider this to be appropriate given the

⁴ Paragraph 527

unique nature of the Camp and the need to manage the interface of intensified residential land use in the HRZ in close proximity to the camp. Council's evidence⁵ agrees that '*addressing potential reverse sensitivity effects is an important resource management issue in the HRZ due to the significant increase in permitted development the IPI enables and the corresponding increased likelihood of reverse sensitivity effects arising.*'

- e Add reverse sensitivity effects as a Matter for Consideration either by amending GRZ-MC2 or creating a new GRZ-MC3. This would require the consideration of reverse sensitivity effects of any activities in the GRZ requiring resource consent, other than for restricted discretionary activities. This would be consistent with the approach to the matters of discretion and I consider it appropriate.

CONCLUSION

- 34 Trentham Military Camp is a well-established, significant land use within Upper Hutt City and is of strategic importance to NZDF. It is zoned Special Activity Zone and is designated for defence purposes, however there is acknowledgment within the District Plan itself that due to the nature of the activities undertaken on the site, not all noise effects are able to be contained within the boundaries of its landholding or designation. The level of intensification proposed through the UHCC Proposed IPI would result in an increase of sensitive receptors adjacent to, or in close proximity, to the Camp. This poses a risk of reverse sensitivity effects which have the potential to constrain NZDF in being able to carry out its functions and purpose under the Defence Act 1990.
- 35 The further amendments sought by NZDF as identified in Appendix A to my evidence are necessary to protect the ongoing operation of the activities undertaken at the Camp and ensure reverse sensitivity effects are avoided or minimised wherever practicable. This is critical to ensuring the Camp is able to carry out its functions and meet its obligations under the Defence Act 1990 for the benefit of all New Zealanders.

Mikayla Woods
14 April 2023

⁵ Paragraph 417

Appendix A Relief sought

Chapter	Relevant provision	Proposed change (in strikethrough for deletion or blue text for addition)
Subdivision	Amend SUB-RES-MC1(6)	Account must be taken of any potential reverse sensitivity effects on regionally significant network utilities (excluding the National Grid)
	Amend SUB-RES-R6 Matters of Discretion to include reverse sensitivity effects	(x) reverse sensitivity effects
General Residential Zone (GRZ)	Amend GRZ-P1	To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned built form and character which takes into account the capacity of the infrastructure, while minimising potential reverse sensitivity effects.
	Add new Matter for Consideration either by amending GRZ-MC2 (bulk and location of buildings) to include reverse sensitivity or creating a new GRZ-MC3	Reverse sensitivity effects
High Density Residential Zone	Insert new objective	Trentham Military Camp is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
	Amend HRZ-P5	To provide for a range of building densities within the residential areas that are compatible in form and scale with the neighbourhood's planned urban built form while managing any reverse sensitivity effects.