

**IN THE MATTER OF** the Resource  
Management Act 1991

**AND**

**IN THE MATTER OF** The Proposed Canterbury Land  
& Water Regional Plan notified  
by Environment Canterbury

**STATEMENT OF EVIDENCE OF CATHERINE JOY REABURN  
FOR NEW ZEALAND DEFENCE FORCE  
HEARING GROUP 1 – PROPOSED CANTERBURY LAND & WATER REGIONAL  
PLAN**

Dated: 31 January 2012

**1. INTRODUCTION**

**Qualifications and Experience**

- 1.1 My name is Catherine Joy Reaburn. I have seven years experience as a resource management planner. I have been employed by Tonkin & Taylor Ltd for the last two and a half years. I am a full member of the New Zealand Planning Institute. I hold a Bachelor of Arts degree in Geography and a Post Graduate Diploma of Science in Environmental Management.
- 1.2 I regularly prepare resource consent applications to both regional and district councils, and have filled reporting officer roles for district and regional councils. I work with private sector, local government, and central government clients. I have also been involved with preparation of private plan changes and am familiar with the RMA process for developing new plans and changes to plans.
- 1.3 Of particular relevance to the matter under consideration, I have experience in water allocation matters, including acting in a reporting planner role for major, high profile surface and groundwater take applications for Northland Regional Council. I have provided planning advice regarding various matters for New Zealand Defence Force (NZDF) since 2011. I am familiar with, and have a working knowledge of, the statutory framework around integrated land and water

management, including water allocation and use, and contaminated land/water matters.

- 1.4 I am familiar with the Proposed Canterbury Land & Water Regional Plan ('the Proposed Plan'), to which this evidence relates. I prepared the original submission and further submission on the Proposed Plan on behalf of NZDF. I have been asked by NZDF to prepare and present this planning evidence.
- 1.5 I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses. This evidence is within my area of expertise, except where I state that I am relying on facts or information provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Scope of Evidence**

- 1.6 NZDF's approach to resource management matters in New Zealand is consistent with Part 2 of the Resource Management Act 1991 ('RMA'), which is addressed in further detail later in my evidence. The intention of any submission by NZDF is to ensure that an appropriate balance is achieved of enabling NZDF to provide for national security, social well-being and health and safety through its various functions (including education and civil defence as well as traditional military activities), while achieving objectives for the natural and physical environment.
- 1.7 My evidence seeks to provide Environment Canterbury and the hearing commissioners with further information on the applicability of provisions in the Proposed Plan to NZDF's activities in the region. I assess the appropriateness of NZDF's submission points in the context of Part 2 of the RMA, having regard to the relevant wider planning framework which provides guidance on how Part 2 should be implemented. As the commissioners will be familiar with the planning framework, I have sought to focus on a simple assessment of NZDF's submission points without providing extensive detail.
- 1.8 My evidence is structured as follows:
  - Summary of the evidence;
  - An outline of my assessment methodology, including recognition of the relevant planning framework;

- Assessment of the appropriateness of the Proposed Plan and of the relief sought by NZDF.

## Summary of evidence

1.9 This evidence assesses the appropriateness of the Proposed Plan, including the amendments proposed in the s42A officers' report (hereafter referred to as "the officers' report"), in the context of the relief sought by NZDF's submissions. For some points, I have agreed with, and accept, the reporting officers' recommendations. In other instances, I consider that Part 2 would better be achieved through granting relief to NZDF's submissions.

1.10 In summary, I reach the following conclusions:

- **strategic benefits of NZDF activities:** in addition to general support for enabling objectives and policies in the Proposed Plan, I consider that the strategic regional and national benefits of NZDF's activities should be recognised in the policy framework. NZDF's activities share a lot of similarities to infrastructure as defined in the RMA, and should be similarly recognised and provided for. Relevant objectives and policies could be expanded by providing for other physical resources of regional or national significance;
- **community water, wastewater and storm water networks:** NZDF provides water and wastewater services to a significant number of permanent and temporary residents at NZDF's training camps in the region, and should benefit from the Proposed Plan's recognition of the importance of these services. The general intent of the s42A officer's recommendations for the "community water supply" and "community wastewater treatment system" definitions are accepted as they provide greater clarity that NZDF is included. However, minor amendments are suggested to improve clarity. The use of "community or network utility operator storm water system" in the Proposed Plan is to ensure management plans are prepared to address catchment issues around multiple ownership and complex flow regimes. These issues do not apply to NZDF's storm water systems. Therefore, I agree with the proposed wording by the reporting officers for this definition;
- **discharge of storm water:** I agree with the reporting officers' recommendations for the storm water discharge rules as they reflect an effects based approach;

- **discharge of contaminants associated with military training purposes:** Providing flexibility for discharges relating to ammunition and other military training activities will help enable NZDF to achieve strategic benefits through appropriate training of personnel. Discharges from these activities are small in scale, and are restricted to discrete areas of the Canterbury region. As there is a potential for discharges from ammunition to generate adverse effects, I consider it is appropriate to require NZDF to comply with some appropriate permitted activity standards for these activities. This will enable flexibility for NZDF's training activities while appropriately avoiding or minimising adverse effects from the discharge of contaminants;
- **water allocation:** The objectives in the Proposed Plan seek to enable water to be utilised sustainably for activities which provide social benefits. Abstracting groundwater from aquifers not subject to a management regime in the Proposed Plan may be undertaken sustainably and may be consistent with the policy framework. I consider that a discretionary activity status is more appropriate than non-complying for these abstractions, to allow each application to be determined on its merits;
- **bores:** I support enabling the construction and use of bores as permitted activities, subject to appropriate conditions;
- **temporary structures over watercourses:** I consider that a similar approach to the discharge of contaminants from defence training activities should be adopted for temporary structures over watercourses for defence training activities, to achieve a balance between enabling defence training activities and minimising adverse effects on the environment. This can be achieved through an addition to the temporary structures rule in the Proposed Plan to expressly allow temporary structures for defence training purposes, in addition to construction of permanent structures currently provided for by the rule;
- **land management:** I support the changes to the earthworks provisions recommended by the reporting officers, including providing for earthworks in Christchurch where effects are minimal as a permitted activity, and the provisions relating to works near watercourses and on erosion prone land which achieve an appropriate balance between minimising effects on the environment and enabling flexibility of land use. I support the permitted

activity rule allowing tracking through watercourses subject to appropriate standards; and

- **hazardous substances:** the proposed amendments by the reporting officers to the hazardous substance rules provide greater clarification as to what criteria apply to liquids and solids, and also reduce the stock inventory requirements. I consider that the recommended changes in the officers' report are appropriate to provide clarity, avoid unnecessary duplication with HSNO requirements, and to mitigate the risk of adverse effects.

The changes sought, as summarised above, are generally minor. However, they are important to NZDF in ensuring flexibility of its operations, and in providing for the ongoing operations and development of its facilities without compromising wider environmental objectives.

- 1.11 I have assessed NZDF's requests against the regional and national planning framework as it applies to land and water management. I have also given consideration to Volume 1 of the officers' report prepared for this hearing.
- 1.12 I have come to the conclusion, after considering the above and Part 2 of the RMA, that it is generally appropriate for NZDF's submission points to be accepted. I have recommended some amendments to the original changes proposed by NZDF in its submission. In many cases, the approach taken by the reporting officers in the officers' report are considered to be appropriate. The changes to the notified version of the Proposed Plan that I consider are appropriate are included throughout my evidence.

## 2. ASSESSMENT METHODOLOGY

- 2.1 The Proposed Plan is a regional plan prepared under section 65 of the Resource Management Act 1991 ('RMA'). Section 66 of the RMA sets out the matters that regional councils are required to have regard to when preparing or changing any regional plan, which includes the wider statutory planning framework.
- 2.2 I consider that the relevant planning documents for consideration when assessing NZDF's submission points are:
- a. National Policy Statement on Freshwater Management
  - b. Canterbury Regional Policy Statement 2013
  - c. Canterbury Water Management Strategy

I am familiar with these documents and refer to them in my assessment in Section 3 of my evidence where appropriate.

- 2.3 Ultimately, however, a regional plan is required to be in accordance with Part 2 of the RMA, which sets out the purpose of the Act. In particular, section 5(1) states: *“The purpose of this Act is to promote the sustainable management of natural and physical resources”*. Section 5(2) provides a definition of sustainable management, as follows:

*“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—*

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

- 2.4 NZDF provides an important and nationally strategic function in maintaining the nation’s security, meeting its international obligations, and also assisting in enabling people and communities to provide for their social and cultural wellbeing and health and safety through provision of educational and civil defence services. In respect of NZDF’s submissions, it is important to provide an appropriate balance between enabling NZDF to achieve the flexibility required to meet its strategic direction and responsibilities, whilst ensuring key environmental objectives around sustaining resources and minimising adverse effects are achieved.

- 2.5 In this regard, the objectives and policies framework of the Proposed Plan should adequately recognise the significant strategic benefits from NZDF’s activities and physical resources while seeking to achieve environmental objectives. To be consistent with the purpose of the RMA and the Proposed Plan policy framework, rules should seek to enable NZDF’s activities without unreasonable restriction. Activities likely to have only minimal adverse effects should be provided for as permitted activities. Where an activity is likely to result

in significant adverse effects on the environment that should be avoided, remedied or mitigated, or where external management of common resources is appropriate, an appropriate activity status should be adopted.

- 2.6 My evidence assesses NZDF's submission points and considers whether the relevant provisions of the Proposed Plan are appropriate when assessed against the purpose of the RMA and the provisions of the relevant national and regional planning documents.
- 2.7 The assessment has regard to the section 32 report, and Volume 1 of the officers' report for the Proposed Plan.

### **3. APPROPRIATENESS OF THE PROPOSED PLAN AND RELIEF SOUGHT BY NZDF**

- 3.1 This section of my evidence assesses the relief sought by NZDF in its submission against Part 2 of the RMA using the approach taken in the section 32 report.

#### **General – objectives, policies and definitions**

- 3.2 The objectives framework of the Proposed Plan should reflect the purpose of the RMA by recognising the important benefits of activities as well as seeking positive environmental outcomes. The notified Proposed Plan seeks to achieve this. NZDF's submission supports the general objectives and policies in the Proposed Plan which seek to recognise the importance of social wellbeing and physical resources while managing natural resources and the adverse effects of activities, use and development. NZDF provides an important social function, including through the provision of water, wastewater and storm water services, through maintaining national security, and through meeting international obligations. This should be considered when setting plan provisions and when making decisions on resource consent applications for NZDF sites and activities.
- 3.3 The officers' report further acknowledges the importance of the objectives reflecting Part 2, by suggesting they be restructured to put the enabling objectives first to reflect the structure of section 5 of the RMA. Although this will have no material effect in the implementation of the plan, I consider this approach to be appropriate.

- 3.4 NZDF's original submission supported objectives 3.11, 3.16 and 3.21, as they recognise and provide for the benefits of activities. I assess each of these in turn.

*Objective 3.11 – benefits of water*

- 3.5 Objective 3.11 (renumbered as objective 3.4 in the s42A report) acknowledges the social and economic benefits of water use. NZDF's submission supported this objective as notified in the Proposed Plan. The officers' report seeks to amend this objective to reflect that water is only made available for these social and economic benefits "within the allocation limits or management regimes which are set in the Proposed Plan". The recommended wording is as follows:

*3.4 Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available ~~for abstraction~~ **within the allocation limits or management regimes which are set in this Plan***

- 3.6 I disagree with the inclusion of this additional statement. The benefits of water use are still important in situations outside the management regimes of the Proposed Plan. For example, groundwater takes outside of allocation zones may support appropriate land uses which provide benefits. The objectives and policies should be worded to allow each application to be assessed on its merits. This is important for all applications, but even more so for non-complying activities where the gateway tests of section 104D will apply. This is addressed further in paragraph 3.45 of my evidence which considers the appropriate activity status for groundwater takes from aquifers where no allocation regime is established.

- 3.7 In addition, the proposed wording of the objective is circular. The first part of the objective instructs the sustainable management of water abstraction and use. This is consistent with the purpose of objectives in RMA plans, which is to set a high level direction and set out what is to be achieved by the plan. Methods (including allocation limits and management regimes) are then required to be appropriate to achieve these high level objectives (RMA – section 32(3)(b)). The additional wording proposed by the officers pre-establishes the methods to be used to achieve the objectives. The methods should support achievement of the objectives; not be the objectives in themselves. I therefore consider a more appropriate wording to achieve the intention of this objective is as follows (essentially as notified):

*3.4 Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the*



*efficient storage, distribution and use of the water made available. ~~for abstraction within the allocation limits or management regimes which are set in this Plan~~*

*Objective 3.16 – positive contributions of infrastructure*

- 3.8 Objective 3.16 (renumbered as objective 3.9 in the officers' report) recognises the positive contributions of infrastructure to economic, cultural and social wellbeing. The proposed amendment by the reporting officers deletes the words "national or regional significance". I support this amendment in principle as all positive contributions should be acknowledged in this policy. For example, local community water supplies may not be of regional or national significance, but are still highly important for social health and wellbeing.
- 3.9 NZDF is concerned that the proposed definition of infrastructure only provides for NZDF's water, wastewater and storm water networks, and does not currently provide for NZDF's broader facilities and activities such as training facilities for NZDF personnel. The consequence of this is that objective 3.16 (3.9) in recognising the important function of infrastructure does not recognise the wider important social functions of NZDF's activities. It also means rules intended to facilitate infrastructure development, such as Rule 5.89 which allows minor water takes as a permitted activity to facilitate infrastructure construction, maintenance and repair, does not extend to wider physical resources which also provide significant social benefits and which should also be enabled.
- 3.10 It is important that the benefits of NZDF's activities are recognised in the context of Part 2 of the RMA when plan provisions are set and resource consent applications are being assessed under the Proposed Plan. It is appropriate NZDF facilities be given the same recognition as other infrastructure, as they are important for enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, and they have similar characteristics to facilities listed in the RMA definition of infrastructure.
- 3.11 The Canterbury RPS (made operative on 15 January 2013) provides direction as to what is regionally significant infrastructure. I consider this to be a useful framework within which to consider whether NZDF should be considered as infrastructure. The CRPS states:

*Regionally significant infrastructure in the wider region is essential to enable the well-being, health and safety of people and communities and has the following characteristics:*

- (1) *it significantly contributes to the social, economic and cultural well-being of people and communities;*
- (2) *it is the subject of considerable financial investment;*
- (3) *it is unlikely to be readily replaced or duplicated; and*
- (4) *it requires integrated management with other natural and physical resources.*

*In relation to patterns of land-use, consideration of sequencing and costs of infrastructure development need to be factored into decision-making. These can have significant effects on efficiency and the economic well-being of communities.*

3.12 I consider the CRPS requirements for regionally significant infrastructure are met by NZDF's activities as follows:

- i. Defence facilities provide for regional, national and international security, as well as for civil defence and search and rescue responses. Defence facilities ensure that people and communities are able to provide for their social, economic and cultural wellbeing by maintaining national security, and they provide for health and safety through assistance in civil defence and search and rescue responses. They also provide accommodation and services to a significant permanent and temporary population.
- ii. Defence facilities represent large investments of many hundreds of millions of dollars. This characteristic is common to roads, airports, gas pipelines and other physical resources listed in the RMA definition.
- iii. There is a functional constraint on the location of Defence facilities and existing facilities would be almost impossible to replace (for example, the large open spaces and varied terrain required for training purposes and provided by the Tekapo Military Training Area). This characteristic is common to telecommunication networks, facilities for generating electricity, water supply distribution systems and other physical resources listed in the RMA definition.
- iv. Defence facilities are also integrally linked to some of the physical resources listed in the RMA definition. For example, the Burnham Military Camp is linked to the community wastewater treatment system located there.

- 3.13 It is my opinion that NZDF's facilities have regional and national significance and should be appropriately provided for and protected by the Proposed Plan through recognition of the positive effects generated from these facilities. I consider that there are two ways to achieve this. The first option is to amend the definition of infrastructure to include Defence facilities. This will ensure that NZDF facilities are given the same recognition as other strategically significant assets. The second is to amend the relevant provisions in the plan to include other important facilities providing for regional or national needs that do not meet the RMA definition of infrastructure.
- 3.14 The CRPS provides definitions for both critical infrastructure and regionally significant infrastructure in its glossary. The list of regionally significant infrastructure provided in the definition appears to be drawn from the RMA definition, and the direction provided in the main text (as detailed in paragraph 3.11 above). It includes, for example, Timaru Airport and Commercial maritime facilities at Kaikōura. Critical infrastructure includes public healthcare institutions, fire stations, police stations, ambulance stations and emergency coordination facilities. The approach to infrastructure in the CRPS is broad and intends to include those activities essential for the community.
- 3.15 I also note that Auckland Council has recently taken a broad approach to infrastructure in the preparation of the "Auckland Plan". Importantly, the Auckland Plan recognises defence facilities as a key element of Auckland's infrastructure (reference The Auckland Plan, Chapter 12, paragraph 666).
- 3.16 A broader definition of infrastructure, reflecting the approach taken in the CRPS and the Auckland Plan, would appropriately recognise the similar characteristics of other physical resources to those covered by the RMA definition of infrastructure, and allow the significant benefits of these resources to be recognised throughout the Proposed Plan. I consider it would be appropriate to delete the definition in the Proposed Plan, and replace it with the following:

***Infrastructure means –***

***a) infrastructure as defined in section 2 of the RMA;***

***b) critical infrastructure and regionally significant infrastructure as defined in the CRPS; and***

***c) New Zealand Defence Force facilities.***

3.17 The officers' report suggests that it is inappropriate to amend the definition of infrastructure as it is taken from the RMA, and that submissions requesting changes to this definition are more appropriately dealt with through changes to the wording of the appropriate objectives, policies and rules. The RMA does not restrict plans providing their own definitions. However, if the commissioners consider that the definition of infrastructure should not be altered, then objective 3.16 (3.9) should be amended to include other important physical resources providing for regional or national needs that do not meet the RMA definition of infrastructure.

3.18 Amending objectives and policies to include other significant physical resources not captured by the RMA definition of infrastructure is the approach taken by the Horizons Regional Council in the decisions released on the "One Plan". For example, Objective 3-1 of the One Plan states "*to have regard to the benefits of infrastructure and other physical resources of regional or national importance by enabling their establishment, operation, maintenance and upgrading*".

3.19 I would consider the following as appropriate wording for Objective 3.9 to provide relief to NZDF's submission:

*3.9 Infrastructure, **and physical resources** of national or regional significance, is **are** resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, on-going maintenance, repair, development and upgrading.*

Similar alterations would be required to relevant policies and rules, including policies 4.5, 4.40, 4.44, 4.79, 4.80, 4.90, and rules 5.89, 5.90, and 5.141 (references to the notified version of Proposed Plan) to provide the same recognition to the benefits of NZDF's facilities and activities as given to infrastructure.

3.20 To provide clarity, I also recommend an additional definition be provided for "physical resources of national or regional significance". Based on the Horizon's One Plan, this definition could include:

- *Solid waste facilities including landfills, transfer stations and resource recovery facilities that deal with municipal waste;*
- *Flood protection schemes;*
- *New Zealand Defence Force facilities.*

There may be other physical resources in the Canterbury Region not captured by the RMA definition of infrastructure that would appropriately be included in this definition.

*Objective 3.21 – land uses consistent with CWMS*

- 3.21 Objective 3.21 (3.5) seeks to enable land use change to meet socio-economic and community demand while remaining consistent with the Canterbury Water Management Strategy (CWMS) targets. This language reflects section 5 of the RMA and is appropriate as it enables development while seeking to achieve appropriate management of Canterbury’s water resources, as established in the CWMS. NZDF submitted in support of this objective. The officers’ report recommends the wording of this objective be retained as notified. I support the retention of this objective as it is consistent with Part 2 of the RMA.

**Community water, wastewater and stormwater**

- 3.22 NZDF submitted that the definitions of community water, wastewater and storm water facilities be amended to ensure that NZDF owned and operated facilities were recognised. The originally proposed definitions included the phrase “owned and operated by a group, territorial authority or company”, which may not include NZDF. The implications of NZDF being excluded from these definitions differ between water, wastewater and storm water, therefore, I assess these separately below.

*Community Water Supply*

- 3.23 It is important that NZDF be recognised as a provider of drinking water to communities. Burnham Military Camp, for example, currently has approximately 1200 people living on NZDF land who rely on NZDF’s community water supply from groundwater. As the Proposed Plan prioritises community water supply over other water uses in the objectives, policies, and activity status of rules, it is essential that NZDF is included in this definition to provide security to its essential water supplies.
- 3.24 The officers’ report seeks to redefine community water supply to address other submissions which raise the point that community water supplies are not necessarily for drinking water alone, but may also be used for other purposes. The officers also specifically provide for the water to be used for supplying “institutional” purposes. This would include NZDF. The following definitions are proposed in the officers’ report:

Community Water Supply - means water taken primarily for group drinking water supply and includes group drinking water supply, and community drinking water supply but that may also be used for other purposes such as supply to institutional, industrial, processing, stockwater, or amenity irrigation use and fire-fighting

Group Water Drinking Supply - means a drinking-water supply that provides more than one household but fewer than 501 people with drinking water for not less than 60 days each calendar year.

3.25 The general intent of the new definition of “Community Water Supply” is supported. Water takes should be prioritised for drinking water use. However, it is difficult in many situations to separate out the different uses of water taken from a single source and distributed through a single system. NZDF’s water take at Burnham, for example, is mainly for drinking water supply but also services other institutional requirements such as training activities. Separating out these activities when considering a resource consent application would not result in an integrated assessment.

3.26 However, the proposed wording refers to water being taken primarily for group water drinking supply, which only provides for up to 501 people to be supplied with drinking water, but then goes on to also include community drinking water supply. The actual use of “community water supply” in the Proposed Plan does not appear to warrant a separation between water supplies serving fewer or more than 501 people (i.e. group water drinking supply or community drinking water supply). All relevant rules reference “group or community drinking water supply”. The intent of the officers recommendations can be more clearly achieved through a single, simple definition. I suggest the proposed wording:

Community Water Supply - means water taken primarily for ~~group~~ **a drinking water supply that provides more than one household with drinking water for not less than 60 days each calendar year** and includes group drinking water supply, and community drinking water supply but that may also be used for other purposes. ~~such as supply to institutional, industrial, processing, stockwater, or amenity irrigation use and fire-fighting~~

~~Group Water Drinking Supply - means a drinking-water supply that provides more than one household but fewer than 501 people with drinking water for not less than 60 days each calendar year.~~

3.27 My recommended wording is similar to that recently adopted in the Horizon’s One Plan for “public water supply”, which states:

Public water supply means a reticulated publicly or privately owned drinking water supply connecting at least two buildings and serving at least 1,500 person days per year (eg., 25 people for at least 60 days per year). Drinking water is water intended to be used for human consumption, food preparation, utensil washing, oral hygiene or personal hygiene.

However, my recommended wording for the definition of community water supply proposed above also acknowledges that community water supplies may be used for other purposes.

### *Community wastewater treatment system*

- 3.28 NZDF also provides wastewater treatment systems at their facilities in the Canterbury Region. The use of “community wastewater treatment system” in the Proposed Plan acknowledges that these are a necessary service. For example, policy 4.36 enables discharges from community wastewater treatment schemes irrespective of the nutrient allocation status of a catchment. The proposed definition in the officers’ report is as follows:

*Community wastewater treatment system - means a wastewater treatment system owned and operated by a group, institution, territorial authority or company that primarily treats domestic effluent and serves more than one site, but does not include the pipework and sewers running from individual sites to the collection and treatment system.*

- 3.29 The proposed wording provides for wastewater treatment systems owned and operated by an “institution”. The dictionary definition of “institution” includes “an organisation, establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character”. This would include NZDF. However, the definition also requires the system to serve more than one site. “Site” is defined as being land held within a single certificate of title. NZDF’s wastewater treatment systems are important infrastructure servicing significant populations, sometimes residing on single sites, and sometimes residing on allotments held by Gazette Notices rather than certificates of title. Therefore, this wording would exclude NZDF. It would be appropriate to use similar wording as for community water supply, given that community wastewater treatment systems generally discharge water after use from a community water supply. I consider appropriate wording to ensure NZDF is included in this definition would be as follows:

*Community wastewater treatment system - means a wastewater treatment system owned and operated by a group, institution, territorial authority or company that primarily treats domestic effluent and serves more than one **household site**, but does not include the pipework and sewers running from individual sites to the collection and treatment system.*

### *Community stormwater system*

3.30 NZDF has stormwater systems to collect and discharge stormwater from its facilities in the region. The Proposed Plan as notified included a definition for “Community or network utility operator stormwater system” which I consider did not include NZDF. This term is not used consistently in the notified Proposed Plan, as the term “reticulated stormwater systems” is more frequently used. The purpose of “Community or network utility operator stormwater system” as used in the Proposed Plan is to ensure that a stormwater management plan is prepared to manage storm water from a catchment, and to ensure discharges (including hazardous substances) do not affect public stormwater systems. The term is not used specifically to enable discharges from public stormwater systems. As acknowledged in the officers’ report, issues around management encountered when stormwater is discharged from many different sites in different ownership are not as relevant for stormwater systems for sites wholly owned and operated by a single operator, as in the case of NZDF. Management plan requirements to address issues encountered by public stormwater systems are not appropriate for NZDF. I therefore consider that the wording of “community stormwater system” proposed by the reporting officers’ is appropriate, as follows:

*Community stormwater system means a stormwater system owned and operated by a group, territorial authority or company that serves two or more sites that are in separate ownership, comprising swales, drains, channels, wetlands, infiltration basins or pipework and other treatment devices, which may include detention ponds, for the treatment of stormwater prior to a discharge to land, groundwater, surface water or connecting to a reticulated stormwater system.*

### **Discharge of wastewater and storm water**

#### *Discharge of treated wastewater*

3.31 NZDF operates a number of wastewater disposal schemes to land within the region. NZDF’s submission raised a concern that the Proposed Plan sought to prohibit future resource consent applications for discharges of treated wastewater to land in areas where drinking water supply is protected (Rule 5.63). NZDF has further investigated the proximity of their discharge locations for treated wastewater in relation to community water takes has been undertaken. All discharge locations are located outside of drinking water protection zones. Therefore, NZDF will not be affected by this rule and do not wish to pursue this submission point.



### *Stormwater discharges*

- 3.32 Clarity was sought in NZDF's submission as to the applicability of Rules 5.71 and 5.72 to NZDF as the notified wording was not clear.
- 3.33 As discussed earlier in this evidence, NZDF wholly owns and operates its stormwater systems on its sites. Therefore, the CRC management plan approach which caters for public facilities serving sites under different ownership is not relevant to NZDF. The approach taken by the reporting officers, which provides greater clarity in the wording of rules 5.71 and 5.72, is appropriate. The changes will clearly remove NZDF from a provider of "community stormwater systems". Discharges from NZDF sites will be treated on an effects basis, with low effects stormwater discharges that meet the criteria of Rule 5.71 being able to be undertaken without resource consent, and stormwater discharges generating adverse effects will be assessed on their merits as a discretionary activity.
- 3.34 NZDF's submission seeking greater clarity is addressed in the officers' report and I agree with their recommendations in respect of stormwater.

### **Discharge of contaminants associated with military training purposes**

- 3.35 NZDF's submission requested exceptions so that military training using live ammunition can be undertaken without having to comply with the standards of Rule 5.76. Requiring a resource consent for these activities would be overly onerous and would inappropriately and unnecessarily prevent flexibility in military training. This submission was based on the premise that the diffuse discharge of ammunition over large training areas, such as the Tekapo Military Training Area, would have less than minor effects. NZDF acknowledges that concentrated discharges of ammunition, such as within weapons training ranges, do have the potential to generate significant effects and should be subject to resource consent requirements.
- 3.36 The officers' recommendation is to include an exception for discharge of live ammunition to land from all of the permitted activity conditions. The result of this is that any discharge of live ammunition to land for NZDF purposes can be undertaken without the need for a resource consent.
- 3.37 I have further considered this matter and sought technical advice. The extent of potential adverse effects from the discharge of contaminants via training explosives and ammunition is outside my area of expertise. However, I have

received advice from Dr Penny Kneebone, a Senior Environmental Scientist at Tonkin & Taylor Ltd with specialist experience in environmental site assessment, contaminated land, chemical fate and transport, and risk assessment. Dr Kneebone has provided advice to NZDF on their weapons training ranges throughout the country. Dr Kneebone advised me that training explosives and ammunition do have the potential to generate adverse effects on sensitive ecosystems through the accumulation of lead and other metals in water bodies. However, this is in the context of dedicated weapons training ranges. Adverse effects from these areas occur as a result of the accumulation of contaminants in a discrete area. In contrast, field training activities result in highly dispersed discharge of contaminants over a large area. Adverse effects from the discharge of contaminants associated with field training activities would be less than minor. I therefore consider it important that a clear distinction is provided for in the rules, to achieve an appropriate balance between enabling NZDF's field training activities and managing adverse effects on the environment from weapons training ranges.

- 3.38 I consider that an appropriate balance can be achieved by wording the 'exemption clause' to make it clear that it is not intended to apply to dedicated weapons training ranges, for which resource consent should be sought. I suggest the following change to proposed clause 9 of Rule 5.76 as appropriate:

*(9) Where the discharge is from the use of live ammunition associated with military training under the Defence Act 1990 and the discharge occurs over open ground (i.e. not at a purpose built weapons training range), Conditions 1 to 8 do not apply.*

- 3.39 NZDF's submission also sought a minor amendment to policy 4.11 which addresses the discharge of contaminants to land where it may enter groundwater. The wording as notified did not make it clear what the priorities are within this policy. The officers' report addresses this by recommended minor rewording to improve the language of this policy. I agree with the recommend changes.

#### **Bores**

- 3.40 NZDF's submission supported permitted activities allowing construction, use and maintenance of bores subject to appropriate conditions.
- 3.41 The officers' report recommends an additional permitted activity standard for the general bore construction rule 5.78, which states that "the bore or gallery is not installed on land that is contaminated or potentially contaminated". The purpose

of this additional standard as stated in the officers' report is to ensure that "any contamination from contaminated land is not mobilised, or a conduit for the contamination of groundwater created".

- 3.42 I note there is no similar condition controlling the disturbance of potentially contaminated land under the earthworks rules (e.g. Rule 5.155). Contaminated land can therefore be disturbed as a permitted activity under the Proposed Plan.
- 3.43 Prevention of contamination of groundwater by bore construction is already provided for in Rule 5.78 condition (5) which requires the bore is constructed to ensure contaminants are prevented from entering the underlying groundwater. Therefore, the additional condition seems to be unnecessary and inconsistent with the approach to disturbance of contaminated land elsewhere in the Proposed Plan.
- 3.44 No significant changes are recommended by the reporting officers to permitted activity rules 5.79 and 5.82. I consider these rules and their conditions are an appropriate balance between enabling activities whilst minimising adverse effects from those activities, and support the reporting officers' recommendations.

#### **Water allocation**

- 3.45 NZDF seeks to ensure that the significant importance of water supply for their operations is recognised in the Proposed Plan. The NPS for Freshwater Management and the Canterbury Water Management Strategy have been considered in preparation of the original submission and this evidence.
- 3.46 NZDF's submission supported Rule 5.88 as it allowed for water takes for community or group supply as a restricted discretionary activity, prioritising it over other water takes in terms of activity status. The officers' report retains this rule with a minor amendment to reflect changes to the definition of "community water supply" as discussed earlier in this evidence. This is appropriate to allow for the management of drinking water supply to be considered in integration with the other supporting uses from these community takes.
- 3.47 NZDF's submission requested that Rule 5.102, which establishes a non-complying activity status for any water takes outside of a groundwater allocation zone, be amended to be discretionary. Other submitters have also requested this change in activity status. The officers' report states that "the Proposed Plan

identifies appropriate areas from where groundwater can be taken. It is considered appropriate that applications outside these zones are non-complying activities and subjected to a higher threshold of assessment given the critical nature of the groundwater resource”.

3.48 I consider that just because a management regime has not been established for these aquifers, does not mean that water takes are generally or necessarily inappropriate in these areas. It is appropriate to require a full assessment of effects and the positive and adverse effects of water takes in these areas, but a non-complying activity status already predetermines that these water takes are generally not appropriate. I consider that Rule 5.102 should be amended to have a discretionary activity status, to allow for a full assessment without indicating that these takes are generally inappropriate.

3.49 I also note that the wording of Objective 3.11 (3.4) becomes even more important if Rule 5.102 is to be non-complying (see paragraphs 3.5 – 3.7).

#### **Temporary structures over watercourses**

3.50 NZDF’s submission requested that Rule 5.118 be amended to provide for the erection, use and removal of all temporary bridge structures as permitted activities. This is on the basis that the use of the structure is irrelevant in terms of the effects that may be generated. The current wording allows for temporary structures subject to conditions, but only if they are used to construct permanent structures.

3.51 Temporary bridges are an important part of NZDF training activities. Temporary bridges are constructed, left in place for only a number of days, and are then removed. These bridges may span the riverbed entirely, but often have a footing in the riverbed. The purpose of these bridges is to provide varied training areas and tracks to challenge military personnel.

3.52 NZDF considers that the need to seek consent every time a bridge is proposed to be constructed will be logistically and administratively difficult, and contrary to NZDF’s responsibility to train military personnel often in a reactive situation.

3.53 The officers’ report rejects this submission point on the basis that other temporary structures, not specifically for the activities provided for, may generate significant adverse effects. In general, I disagree with this point. The permitted activity standards in Rule 5.118, particularly the temporary duration of the structure and the maintenance of fish passage, are sufficient to avoid significant

adverse effects, and the use of the bridge is irrelevant in the generation of effects from temporary structures.

- 3.54 However, to address the reporting officers' concerns about unanticipated adverse effects from temporary structures for other activities, a similar approach to Rule 5.118 can be taken as that for the discharge of contaminants from NZDF's training activities. Allowing temporary bridges for military training purposes as a permitted activity subject to conditions would be consistent with Part 2 of the RMA, as NZDF's training activities would be enabled, and adverse effects would be minimised. I suggest the following wording:

*5.118 Notwithstanding any other rule in this Plan, temporary structures and diversions associated with undertaking activities in Rules 5.113 to 5.117 and 5.125 to 5.127 or military training purposes are permitted activities, provided the following conditions are met:*

- 1. The diversion does not divert more than third of the width of the naturally flowing or standing water body;*
- 2. The activity is not undertaken in an inanga or salmon spawning site listed in Schedule 17; and*
- 3. The diversion is in place for not more than 2 weeks in any 12 month period.*

- 3.55 I consider that a specific exception for this particular activity is appropriate, given the minimal adverse effects of the activity and that they are undertaken for nationally and internationally important military training purposes.

#### **Land management**

- 3.56 NZDF seeks land management rules that provide an appropriate balance between enabling activities and minimising adverse effects on the environment. NZDF's submission specifically supported rules 5.141, 5.142, 5.143, 5.147, 5.148, 5.150 as being generally enabling subject to appropriate conditions to address potential environmental effects. The officers' recommendations for these rules provide for greater clarity and additional flexibility to enable activities with insignificant adverse effects. I support these recommendations as they have regard to the restrictions these rules would have had on a variety of activities and seek to enable these while still providing control over adverse effects.
- 3.57 NZDF objected to the provisions of Rule 5.155 which effectively required earthworks over 100m<sup>3</sup> in the Christchurch Groundwater Protection Zone to obtain a resource consent, regardless of the extent of interaction with the

groundwater. This was seen as overly onerous and did not enable activities with minimal adverse effects. The recommendation from the officers' report is to remove this restriction, and to enable earthworks where there is a 1m vertical separation between the excavation and the aquifer. This is an appropriate balance and I support this recommendation.

- 3.58 NZDF sought to specifically enable bed disturbance as a permitted activity, subject to appropriate conditions which address environmental effects (proposed Rule 5.143a). This is as NZDF often requires machinery and training vehicles to track through watercourses. The officers' report identifies that this is already provided for through permitted activity Rule 5.114. Having reviewed this rule, I accept that it would enable NZDF's tracking activities, and I therefore accept the officers' recommendations for no change in respect of bed disturbance.

#### **Hazardous substances**

- 3.59 NZDF has an ammunition storage facility at Glentunnel. Ammunition and explosives are also stored at the training camps and used for training purposes. NZDF has strict controls around the storage of hazardous substances associated with ammunition. Consistency between the Proposed Plan provisions for storage, and the NZDF management protocols would ensure efficiency and remove the requirement for resource consents where standards are met.

- 3.60 NZDF submitted that the portable container rules seemed to be relevant to liquids only, but the current wording would also require solids to comply with the permitted activity standards. The officers' recommendation is to address this by defining "portable containers" as follows:

*"means one or more containers of petrol, kerosene or diesel used for refuelling and the container(s) is fixed to a vehicle, towed by a vehicle or transported by helicopter, but does not comprise part of the inbuilt fuel system required to power a vehicle or machine."*

This would result in Rule 5.162 not applying to ammunition storage, therefore, Rule 5.164 would apply (addressed below).

- 3.61 The portable container allowable limit in the Proposed Plan is based on 'per site' rather than a ratio to the area of land (Rule 5.162). NZDF's sites vary significantly in size. A 'per site' ratio is not effects based and would put significant restrictions on NZDF's large land holdings. The officers' report states that a ratio requirement would not be practical, but does recommend increasing

the limit from 2,000 to 5,000 litres. Due to the proposed definition, this would apply only to storage of refuelling liquids. This would provide more flexibility for NZDF and is, therefore, generally supported.

- 3.62 NZDF generally supported the provisions of Rule 5.164 as originally notified, although a number of the requirements were identified as being too onerous for small volumes of hazardous substances, and difficult to apply to solid substances. The s42A officers recommendation removes some of the requirements, particularly around stock reconciliation, for all substances. This generally addresses NZDF's concerns and I therefore accept the officers' recommendations as they achieve an appropriate balance between enabling storage while controlling the risk of adverse effects.

#### **4. CLOSURE**

- 4.1 I generally support NZDF's submission points as appropriate in the context of the RMA, as they seek to enable NZDF to achieve its strategic benefits whilst also seeking positive environmental outcomes. Day to day operations with minor potential for adverse effects on the environment should be provided for as permitted activities to allow for flexibility in training and operation activities, and to avoid triggering resource consent requirements for small scale activities. In many cases, the reporting officers have responded appropriately to NZDF's submission. In other cases, I have recommended improvements to the wording to increase clarity and to achieve an appropriate balance between enabling NZDF's activities and avoiding adverse environmental effects.