

**Before the Independent Hearings Panel on the Proposed Canterbury Air
Regional Plan**

under: the Resource Management Act 1991

in the matter of: The Proposed Canterbury Air Regional Plan

Statement of evidence of **Robert Owen** on behalf of the **New Zealand Defence
Force** (Submitter C15C/62854, FS C15C/103607)

Dated: 8 October 2015

**STATEMENT OF ROB OWEN ON BEHALF OF THE NEW ZEALAND
DEFENCE FORCE (NZDF) – SUBMITTER C15C/62854, FS C15C/103607**

INTRODUCTION

- 1 My name is Rob Owen and I am employed by New Zealand Defence Force, (NZDF) within the Defence Property Group, as Environmental Manager. My role is national and “tri-service” which is to say I am responsible for management of all environmental issues arising from the activities of the Army, Navy and Air Force throughout New Zealand. I have been in that role since 2006 and for five years prior to that I held a similar role just for the Army.
- 2 NZDF has a statutory obligation to continue present operations at its various facilities in the Canterbury region into the foreseeable future. However urbanisation of the areas immediately surrounding NZDF facilities creates both immediate operational hazards and long term reverse sensitivity issues. NZDF needs to protect its ability to safely and efficiently conduct operations and training at its facilities and that is our focus in this hearing.

BACKGROUND

- 3 NZDF operates a number of facilities within the Canterbury region, including the Burnham and Tekapo Military Camps and the West Melton Rifle Range. These facilities are utilised for various military activities, including housing and accommodation, and temporary military training activities. In addition, NZDF operates the Air Force Museum of New Zealand at Wigram.
- 4 Currently, coal boilers operate at the Wigram Air Force Museum and the Burnham Military Camp. Domestic dwellings within the Burnham Military Camp also operate domestic space heating appliances.
- 5 NZDF undertakes various other activities on its properties that result in discharges to air. These activities include, but are not limited to, outdoor burning and fire training; workshops, spray painting and cleaning activities; munitions testing and destruction; and the use of CS gas (tear gas), smoke flares and agrichemicals.

- 6 The Burnham and Tekapo Military Camps and the West Melton Rifle Range are of strategic importance both nationally and internationally. They constitute strategic and regionally significant infrastructure within the Canterbury Regional Policy Statement 2013 and their continued operation is essential to achieving NZDF obligations under the Defence Act 1990.
- 7 NZDF's submission sought to provide recognition for NZDF's activities in the Proposed Air Plan. These submission points were raised on the basis that the Plan's current provisions as drafted do not provide for strategic infrastructure as defined in the Canterbury Regional Policy Statement (RPS), nor do the provisions deal with reverse sensitivity issues in an appropriate manner.
- 8 Today I intend to focus on two main themes, being provisions for strategic infrastructure, and reverse sensitivity. These themes are addressed in turn below.

STRATEGIC INFRASTRUCTURE

- 9 Objective 5.7 seeks to enable the maintenance and repair, on-going operation, and development and upgrading of nationally and regionally significant infrastructure. This objective is given effect to through policies 6.11 and 6.19 (amongst others).
- 10 NZDF strongly supports the intent of these provisions and considers they appropriate recognise the benefits to communities of such infrastructure. However for clarity, in its submission NZDF requested the inclusion of "strategic infrastructure" in these policy provisions. As required by the Resource Management Act 1991, NZDF considers the Proposed Air Plan should fully give effect to the RPS by including "strategic infrastructure" in the relevant objectives and policies of the Plan.
- 11 The Section 42A report (Recommendation R T2-1) recommends that a definition of 'Regionally significant infrastructure' be included within the Proposed Air Plan which refers back to the RPS definition. Strategic infrastructure, including Defence Force facilities, is provided for in the Canterbury RPS as a component of regionally significant infrastructure. NZDF supports this recommended approach in that it ensures consistency with the RPS, clarifies and simplifies the

application of the Proposed Air Plan policy framework, and adequately addresses its concerns.

REVERSE SENSITIVITY ISSUES

- 12 Reverse sensitivity is described as the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity. Reverse sensitivity is a significant issue for NZDF as well as for other infrastructure providers and industrial operators. The Proposed Air Plan should establish a robust framework to address reverse sensitivity effects, consistent with the direction set by the RPS. The focus of this policy framework should be on 'avoiding' such effects in the first instance, and otherwise remedying or mitigating them. The Section 42A report in fact acknowledges that the avoidance of reverse sensitivity is a cornerstone policy of the RPS.
- 13 Activities undertaken at the Burnham and Tekapo Military Camps and the West Melton Rifle Range are 'effects-producing' activities which, by their nature include effects which extend outside of the boundaries of NZDF landholdings and its designation boundaries. Activities undertaken by NZDF can therefore be subject to reverse sensitivity effects.
- 14 While the key issue for NZDF in terms of reverse sensitivity effects typically relates to noise, there is also the possibility of reverse sensitivity effects in relation to discharges to air. For example, a proposed residential subdivision near a military camp, where outdoor burning, firefighting training and military training involving use of smoke generating pyrotechnics takes place, has the potential to result in reverse sensitivity effects. New residents in a newly created residential environment have an expectation of a particular level of amenity that cannot be met by the existing, established activity. The resulting complaints means NZDF's existing activities may need to be curtailed or their operations changed to accommodate the expectations of new neighbours.
- 15 As notified, Policies 6.7 and 6.8 do not appropriately recognise and address potential reverse sensitivity effects. Policy 6.7 in fact appears to provide for a new activity to locate within close proximity to a lawfully established activity through the resource consent process. The resultant reverse sensitivity effects

would require the original activity to change their practices to reduce the effects, or the relocation of this original activity.

- 16 NZDF does not agree with this approach and does not consider it represents a balanced approach to managing incompatible land uses. In this case the onus is placed squarely on the existing activity to avoid (i.e. relocate or cease operations) or adequately mitigate adverse effects, with no recognition of reverse sensitivity effects and their potential implications for the ongoing, viable operation of industry and infrastructure.
- 17 The application of Policy 6.8 is limited to the location of new activities that discharge to air with the expectation that new activities can be located such that they avoid the potential for reverse sensitivity effects. While I agree that new activities should be located so that they avoid, remedy and mitigate adverse effects, including away from sensitive receivers, it is very difficult for industry and other activities to 'future-proof' against the establishment of new sensitive activities locating in proximity to them. Neither this policy nor any other policies within the policy framework adequately address reverse sensitivity effects on existing, lawfully established activities.
- 18 The Section 42A report discusses these policies in response to submissions, and recommends they be retained as notified. While I recognise that land use planning changes over time and the make-up of areas changes as a result, the investment made by owners of these operations should be recognised, and their on-going use provided for. The costs to relocate large operations can be prohibitive and does not constitute efficient use of resources.
- 19 The rationale provided within the Section 42A Report for not comprehensively addressing reverse sensitivity effects is that the focus of the Proposed Air Plan is limited to managing discharges into air so it cannot ensure protection to discharging activities from sensitive activities. I do not agree with this reasoning. In my opinion the Proposed Air Plan should be giving effect to the RPS and setting the specific direction for the sustainable management of the Region's air resources. A component of this is ensuring continued access to the Region's air resources for a range of existing and new uses, recognising the need to provide for the social and economic wellbeing and health and safety of people and communities within the Region.

- 20 This extends to policy provisions which seek to protect existing use and development from reverse sensitivity effects, which are then implemented through district plan rules. I note that this approach is reflected in a number of other regional air plans (e.g. Auckland Council's Regional Plan: Air Land and Water and the Proposed Auckland Unitary Plan, the Proposed Regional Air Plan for Southland). I also believe that such an approach is consistent with integrated management as required by Section 30 of the RMA.
- 21 In summary, the Proposed Canterbury Air Regional Plan needs to establish a robust framework to address reverse sensitivity effects consistent with the RPS. Suggested wording that would address NZDF's relief sought is provided below.

Objective: To avoid reverse sensitivity conflict from the discharge of contaminants into air where sensitive activities that have differing air quality expectations are located in close proximity to activities that discharge contaminants into air.

Policy: Incompatible land uses and activities are adequately separated to avoid or minimise adverse effects of air discharges, and reverse sensitivity conflicts are avoided or minimised.

MATTERS SUPPORTED BY NZDF

- 22 In addition to the matters addressed above, there are a number of provisions NZDF specifically supports. I will briefly address these in turn below.
- 23 NZDF supports Recommendation R-5 in the Section 42A report regarding new Policy 6.11A: *'The locational constraints of discharging activities, including heavy industry and infrastructure, are recognised so that operational discharges into air are enabled where the best practicable option is applied'*. This appropriately recognises the location constraints and wellbeing benefits of infrastructure and industry.
- 24 NZDF supports Policies 6.16 and 6.18 which respectively provide for outdoor burning in rural areas undertaken by NZDF, and fire fighting training activities in Canterbury. NZDF undertakes controlled outdoor burning or deflagration of unwanted munitions and pyrotechnics. Fire fighting training is an important aspect of NZDF's operations. Both of these activities contribute to the health and safety of people and communities and should be recognised and provided for.

- 25 Rule 7.6 specifically provides for fire fighting training activities as a permitted activity with conditions. NZDF supports the amendment to this rule, where the notification of neighbouring properties is not required where these properties are owned by the organisation undertaking the activity. This is appropriate where the neighbouring properties are owned by NZDF.
- 26 The Section 42A report also recommends Rule 7.6 be amended to include the controlled disposal, through burning or deflagration, of unwanted ammunitions, munitions, and pyrotechnics, undertaken by the NZDF. NZDF supports this recommendation.

Rob Owen

8 October 2015