

IN THE MATTER OF the Resource
Management Act 1991

AND

IN THE MATTER OF The Proposed One Plan notified by
Manawatu-Wanganui Regional
Council

**STATEMENT OF EVIDENCE OF EMILY SUZANNE GRACE
FOR NEW ZEALAND DEFENCE FORCE
LAND SUBMISSIONS ON THE PROPOSED ONE PLAN**

Dated: 30 June 2008

1.0 Introduction

- 1.1 My full name is Emily Suzanne Grace.
- 1.2 I am a Resource Management Consultant, and have been employed by Tonkin & Taylor Limited for the last three and a half years. I hold a Bachelor of Science degree with Honours in Physical Geography and a Bachelor of Laws. I have five years experience in the planning and resource management profession, working for both local authorities and the private sector.
- 1.3 As part of my role at Tonkin and Taylor Limited I have reviewed and made submissions on a number of proposed planning documents, including regional policy statements, regional plans and district plans. I also prepare resource consent applications for both regional and district councils, and process district council applications.
- 1.4 I am familiar with the Proposed One Plan (One Plan) to which these proceedings relate.
- 1.5 I appear at the request of the New Zealand Defence Force (NZDF), who lodged a submission and further submissions on the One Plan.

1.6 In preparing my evidence I have reviewed the Environment Court Code of Conduct for Expert Witnesses and I agree to comply with it.

2.0 Summary of Evidence

2.1 This evidence addresses NZDF's four main land-related issues with the One Plan, which were identified in NZDF's original submission, and are the subject of this hearing and recommendations contained in the Horizons Regional Council's Planners Report on Submissions to the Proposed One Plan by Phillip Percy (Planners Report) and related Section 42A Reports.

2.2 NZDF had an informal meeting with Horizons Regional Council (HRC) staff members Helen Marr and Natasha James on 23 May 2008, which I also attended, to discuss NZDF's submission points. Some progress was made at this meeting towards resolving NZDF's outstanding issues. However, I note that the Planners Report and recommendations do not take account of the outcomes of this meeting (most likely due to the timing of the meeting in relation to the issuing of the Planners Report). My evidence makes reference to these outcomes. Minutes of this meeting, prepared by NZDF and amended by HRC, are included as Appendix 1 to this evidence.

2.3 The four main land-related issues that NZDF has with the One Plan are:

(a) NZDF is concerned that the One Plan contains provisions encouraging and enabling the sustainable management of farm land, particularly by use of Whole Farm Business Plans, but does not include sufficient provisions for encouraging and enabling the sustainable management of non-farming land. I agree with this concern. The Planners Report invites NZDF to submit a method that would be applicable to non-farming land. My evidence sets out a methodology for encouraging and enabling the sustainable management of non-farming land that I consider appropriate for inclusion in the One Plan.

(b) NZDF wishes to see consistency in the way the term "infrastructure" is used in the One Plan. My evidence highlights the inconsistency in Policy 5-3 and suggests

alternative wording that I consider appropriate to achieve consistency.

(c) NZDF is concerned that the One Plan rules relating to vegetation clearance and land disturbance are on a per-property bases, which is entirely inappropriate when the size range of properties is considered. My evidence proposes a per-hectare basis for these rules that I consider to be a more appropriate method for controlling effects from these activities.

(d) NZDF was concerned at the scale of the map contained in Schedule A of the One Plan for identifying Highly Erodible Land. My evidence confirms that NZDF accepts the alternative proposed in the Planners Report.

3.0 Whole Farm Business Plans and non-farming land

3.1 This issue relates to NZDF's submission points on Objective 5-1, Policies 5-1, 5-2, 5-3, 5-5, and 12-2, and Rules 12-1, 12-3, and 12-4. This issue is first discussed in the Planners Report on pages 72 and 73.

3.2 The One Plan Objectives, Policies and Rules are set up to encourage farms to be sustainably managed in accordance with Whole Farm Business Plans. For example, the One Plan allows certain vegetation clearance and land disturbance activities, that would otherwise require resource consent, to be undertaken without the need for resource consent if the activities are undertaken in accordance with a Whole Farm Business Plan. NZDF aims to undertake its own activities in a sustainable manner and would like to have its sustainable land use practices given similar recognition in the One Plan as sustainable farming practices are. I consider that this is a reasonable request and that by not providing such recognition for non-farming land, the One Plan unfairly disadvantages sustainable management practices on non-farming land.

3.3 In relation to NZDF's original submission point that Whole Farm Business Plans should also apply to non-farming land, I agree with the comment in the Planners Report that Whole Farm Business Plans are not set up in a way that makes them easily applicable to non-farming land. It is my opinion that an alternative method should be included in the One Plan, to make similar provision for sustainable management of non-farming land.

- 3.4 The Planners Report commends NZDF's willingness to adopt the Whole Farm Business Plan approach and invites NZDF to propose a similar sustainable management method applicable to non-farming land.
- 3.5 Support for other sustainable management methods already exists in the One Plan, in Section 1.6 of Chapter 1, and Objective 5-1 of Chapter 5. Objective 5-1 refers to farms being either "sustainably managed" or having Whole Farm Business Plans in place. The Planners Report, on page 70, explains that "sustainably managed" is intended to enable land used for other activities, to which Whole Farm Business Plans do not apply, to be recognised when they are managed through a recognised framework. It is my opinion that the Policies and Rules of the One Plan do not make sufficient provision for "recognised frameworks" other than Whole Farm Business Plans.
- 3.6 Alternative sustainable management methods were discussed at the meeting between HRC staff and NZDF. Codes of Practice were put forward by HRC staff as a substitute for Whole Farm Business Plans for application to non-farming land. I note that Policy 5-5 supports the development of Codes of Practice, but the use of Codes of Practice is not given any recognition in the Rules, as the use of Whole Farm Business Plans is.
- 3.7 At the meeting, HRC staff stated that once a Code of Practice was accepted by Council, a plan change would be necessary to incorporate the Code of Practice into the One Plan. At the same time, the rules in Chapter 12 would also need to be amended so that activities in accordance with a Code of Practice would be exempt from the rules, in the same way as activities in accordance with a Whole Farm Business Plan are. HRC staff undertook to recommend an amendment to Chapter 1 of the One Plan to make reference to HRC's intention to bring in plan changes to give effect to Codes of Practice. At the meeting NZDF generally accepted this process but undertook to consider further options for incorporating sustainable management documents for non-farming land into the One Plan.
- 3.8 It is my opinion that use of a Code of Practice is not the ideal way to encourage sustainable management of non-farming land. The need for a plan change process to

incorporate a Code of Practice into the One Plan would result in significant delay and expense for NZDF and other parties wishing to use Codes of Practice for sustainable management. This delay and expense is likely to be a barrier to development and adoption of Codes of Practice.

3.9 Whole Farm Business Plans do not require a plan change process. Rather, the One Plan specifies what must be included in a Whole Farm Business Plan, which is developed under the Sustainable Land Use Initiative. Reliance on Codes of Practice would therefore unfairly disadvantage sustainable management practices on non-farming land as greater delay and expense would be required than under the Whole Farm Business Plan approach.

3.10 It is my opinion that a “land management plan” could be used in the One Plan in the same manner as the Whole Farm Business Plan, to encourage sustainable management of non-farming land. This would require a definition of “land management plan” in the Glossary of the One Plan that was similar to the definition of Whole Farm Business Plan, that is including specific requirements of what it must cover and that it is approved by HRC. I suggest a definition as follows:

Land Management Plan refers to a plan developed to provide for the sustainable management of land, which is not the subject of a Whole Farm Business Plan, and that has been approved by Council and contains information on the following:

- (a) *Operational requirements of the landowner*
- (b) *activities to be undertaken on the land*
- (c) *potential environmental effects from these activities*
- (d) *measures to be implemented for vegetation management*
- (e) *measures to be implemented for erosion control*
- (f) *measures to conserve areas of significant conservation value*
- (g) *monitoring and reporting requirements*

3.11 To fully incorporate land management plans into the One Plan in the same manner as Whole Farm Business Plans, I consider that minor amendments would also be required

to Objective 5-1, Policies 5-2 and 5-3, and Rules 12-1, 12-3 and 12-4 as follows. Insertions are shown in underline.

- 3.12 Clause (a) of Objective 5-1 requires 50% of **farms** to be either sustainably managed or have a Whole Farm Business Plan in place by 2017. By referring to farms, this clause is not useful for encouraging the sustainable management of non-farming land. I understand that this is a specific target set for farms under the Sustainable Land Use Initiative, so I therefore recommend that another clause is added to the objective, relating to sustainable management of non-farming land, as follows:

Land is used in a manner that ensures:

... ..

- (f) to the extent that landowner initiative allows, non-farming land is sustainably managed or has a land management plan in place

- 3.13 I recommend amending Policy 5-2 so that it refers to whole farm business plans *and land management plans* in the heading. I also recommend making the existing statement clause (a), and making the following statement clause (b)

*Policy 5-2: Sustainable management of other land – whole farm business plans
and land management plans*

(a)

- (b) The Regional Council will support the development of land management plans by landowners of land to which whole farm business plans do not apply, particularly where that land contains highly erodible land.

- 3.14 A minor amendment would also be necessary to clause (a)(ii) of Policy 5-3, by adding the words “or land management plan”, as follows:

“... in accordance with a whole farm business plan* or land management plan*”

- 3.15 I consider that these changes to Objective 5-1 and Policies 5-2 and 5-3 would distinguish farm management under the Sustainable Land Use Initiative from

landowner-driven sustainable management of non-farming land. They would open the way for rules that encourage the sustainable management of non-farming land. By making the objective and policy dependent on landowner initiative, the changes proposed would not place unnecessary cost on the Council. As NZDF's original submission noted, larger landowners such as NZDF are capable of preparing such plans without financial or other support from HRC, should they be provided an opportunity to do so.

- 3.16 I consider that minor amendments to Rules 12-1, 12-3 and 12-4 are also necessary. This would simply require that addition of the term "land management plan" into the exceptions to these rules, as follows:

"... carried out in accordance with a whole farm business plan* or land management plan**"

- 3.17 It is my opinion that these alterations to the One Plan will encourage and enable the sustainable management of non-farming land, in a similar manner to farm land. It is also my opinion that it is reasonable for the One Plan to encourage sustainable management of both farming and non-farming land.

- 3.18 I consider that Codes of Practice are a useful tool for achieving sustainable management and that they should be incorporated into the One Plan where appropriate. NZDF's original submission requested that a clause be added to Policy 5-5, committing HRC to adopt accepted Codes of Practice in a timely and effective manner. The Planners Report recommendation is to decline this request, due to the duty in the RMA to avoid unreasonable delay. This recommendation does not take account of one of the outcomes of the meeting between NZDF and HRC staff, where HRC staff agreed to amend Chapter 1 (section 1.6) to reflect HRC's intention to bring in plan changes to give effect to Codes of Practice. It is my opinion that it would be appropriate to make this amendment to Section 1.6 of the One Plan and I recommend that following clause is added after the second clause (i) on page 1-6 of the One Plan:

Horizons will recognise codes of practice and other good practice initiatives in

one or more of the following ways:

- (i)
- (ii) *bring plan changes to give effect to approved Codes of Practice in a timely and effective manner.*

4.0 “Fencelines or other infrastructure”

- 4.1 This issue relates to NZDF’s submission points on Policy 5-3(a)(iii), a specific exception to the general restriction on vegetation clearance and land disturbance on highly erodible land. This submission point is discussed in the Planners Report on page 110.
- 4.2 NZDF’s is concerned that the One Plan should recognise and prioritise defence facilities of national importance in the same way as it recognises and prioritises infrastructure. NZDF has made a submission on Policy 3-1 that I understand will be discussed at the Infrastructure, Energy and Waste Hearing. NZDF’s submission point on Policy 5-3, which requests that the term “fencelines” is removed and replaced with the term “essential facilities or activities”, is related to this concern.
- 4.3 The Planning Report recommendation is to reject NZDF’s submission point regarding Policy 5-3(a)(iii), and invites NZDF to further explain the reasoning for the requested change.
- 4.4 Clause (a)(iii) of Policy 5-3 provides an exception from restrictions on vegetation clearance and land disturbance activities on highly erodible land, if they are undertaken for the purposes of establishing or maintaining “fencelines or other infrastructure”. By way of explanation, the use of the phrase “or other” implies that fencelines are considered to be infrastructure. This is inconsistent with the definition of infrastructure provided by the One Plan and other policies relating to infrastructure.
- 4.5 Following discussion with HRC staff at the meeting of 23 May 2008, and having further considered this point, it is my opinion that a more appropriate change to clause (a)(iii) than the change originally requested in NZDF’s submission, is to amend clause (a)(iii) as follows (additions are in underline):

“(iii) the activity is for the purpose of establishing or maintaining fencelines, or infrastructure and related facilities of regional and national importance, and there is no reasonable alternative location”*

4.6 The addition of a comma after the word “fenceline” and the removal of the words “or other” clarify that fencelines themselves are not considered to be infrastructure. The addition of the phrase “and related facilities of regional and national importance” is to provide consistency with an amendment that I propose to Policy 3-1, which will be discussed at a later hearing. (The addition would provide equal recognition for defence facilities of national importance as is provided for infrastructure, which in my opinion is appropriate.)

5.0 “Per-property per year”

5.1 This issue relates to NZDF’s submission point on the Rules Table 12.2 – Vegetation Clearance and Land Disturbance. This issue is discussed in the Planning Report on page 205.

5.2 The vegetation clearance and land disturbance rules in Chapter 12 of the One Plan, particularly Rules 12-1, 12-3, and 12-4, use “per-property” triggers for permitted, controlled and discretionary activities. It is my opinion that “per-property” triggers are not effects-based and are therefore not reasonable. Rules written in this way take no account of the varying size range of properties and therefore take no account of the capacity of the land to absorb effects. For example, if a property is subdivided into two, twice as much vegetation clearance could be undertaken over the same area of land, and therefore effects of twice the scale could be created when the only change in the land has been to the legal boundaries. It is my opinion that framing the rules in this way disadvantages larger property owners for no environmental benefit.

5.3 It is my opinion that “per-hectare” triggers are a much more appropriate and reasonable way to control the effects of vegetation clearance and land disturbance. I consider that it is appropriate for a rule to specify a ratio of an acceptable amount of vegetation clearance or land disturbance that can be accommodated within a specified area, for

example 1000m³ of land disturbance within a one hectare area. The larger land area (i.e. the balance of the one hectare) is able to absorb the effects of the limited amount of disturbance. Accepting this, I consider that there is no reason why more than one disturbance cannot occur within differing one hectare areas within larger properties. Cumulative effects are avoided, provided the appropriate ratio is set by the standard. Framing the rules in this manner avoids disadvantaging owners of larger properties for limited environmental benefit.

5.4 The Wellington Regional Soil Plan provides an example of a per-hectare rule that is simple and practical. It is written as follows:

“Any soil disturbance on erosion prone land that:

(1) involves the disturbance of greater than or equal to 1,000m³ of soil, within any 10,000m² area (calculated using a minimum width of 10m) and within any continuous 12 month period; or

(2) ...

is a Restricted Discretionary Activity.”

5.5 This rule would allow up to 1000m³ of soil disturbance within any one hectare area, regardless of the location of property boundaries, and would allow more than one area of disturbance at different locations within larger properties. The control on the dimensions of the one hectare area would limit potential abuse of the rule.

5.6 For example, NZDF has a 60,000 hectare property at Waiouru. The above rule would not allow 60,000m³ of land disturbance to occur in one area of the property. Rather, it would allow up to 1000m³ of disturbance in up to 60,000 different locations within the property. Obviously, there would never be a situation when 60,000 different land disturbances were needed, but there may be situations where NZDF wishes to disturb up to 1000m³ in five separate locations over its 60,000 hectare property. Any fears of 1000m³ being undertaken over every hectare area of a property, whether it be NZDF land or farm land, are not realistic.

5.7 The Planners Report considers that a per-hectare basis for standards would mean that

large scale activities, such as tracking, could occur without the involvement of an erosion management expert as a permitted activity. I make two comments on this, as follows.

- (a) I note that permitted activity standard (a) of Rule 12-1 is that effective erosion and sediment control measures are installed and maintained during and following completion of the works. I consider that this standard makes it unnecessary for an erosion expert to be involved, particularly if only limited disturbance can occur within a one hectare area.
- (b) Tracking is an activity that has differing effects to general vegetation clearance and land disturbance activities, as it is linear and permanent. The Wellington Regional Soil Plan contains a separate rule to the one quoted above that covers tracking activities. I consider this is an appropriate separation and would be useful within the One Plan. I consider that general vegetation clearance and land disturbance rules should not be written to catch tracking activities, due to the differing effects from tracking activities. To address them with one rule unfairly and unnecessarily restricts non-tracking activities just so as to control tracking activities. A separate rule for tracking would also address the Planning Officer's concern expressed in the Planners Report. I recommend that a rule similar to the Wellington Regional Soil Plan rules quoted below is added to the rules in Chapter 12 relating to vegetation clearance and land disturbance.

Any roading or tracking activity that:

(1) during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 1.5 metres measured vertically; or

(2) is located on highly erodible land, during any 12 month period, will result in a road or track having a continuous length of new upslope batter extending for greater than 200 metres, with a height of greater than 2 metres measured vertically;

is a Restricted Discretionary Activity

5.8 I recommend that amendments to Rules 12-1, 12-3 and 12-4 are made to provide for a per-hectare basis for the standards. Rather than the term “per property” being used after the stated area or volume (e.g. 1000m³/y or 100m²/y), the phrase *within any 10,000m² area (calculated using a minimum width of 10m)* should be used. For example, condition (a) of Rule 12-1 would read as follows:

“(a) For any land disturbance involving a volume of fill or excavation of more than 1000m³/y within any 10,000m² area (calculated using a minimum width of 10m), effective erosion and sediment control measures ...”

6.0 Definition of Highly Erodible Land

6.1 This issue relates to NZDF’s submission points relating to Schedule A. This issue is discussed in the Planners Report on pages 305 and 306.

6.2 NZDF requested that the definition of highly erodible land was made more practical and useful as the scale of the map provided in Schedule A was not very practical or useful.

6.3 The Planners Report recommendation is to remove the map identifying areas of highly erodible land from Schedule A and replace it with a written definition. The definition is included as Appendix A of the Planners Report.

6.4 I support the Planners Report recommendation to remove the map in Appendix A as this map was not very useful. I also support the proposed written definition in Appendix A of the Planners Report. This definition would allow for more accurate identification of highly erodible land. In particular, I support the basis for the definition and the references made to rock type, slope and vegetation cover.

6.5 I note that the Planners Report states that this recommended definition may be subject to further amendments as pre-hearings meetings were still to be held following the issuing of the Planners Report. For clarity, I support the definition as set out in Appendix A of the Planners Report.

7.0 Conclusion

- 7.1 NZDF has three main outstanding concerns with the land-related provisions of the One Plan. Its fourth issue, relating to Schedule A of the One Plan, has been satisfactorily addressed by the Planners Report recommendation.
- 7.2 It is my opinion that the One Plan should make similar provision for sustainable management of non-farming land as it does for sustainable management of farming land. I consider that amendments to the One Plan to incorporate the concept of “land management plans” are the most appropriate way to achieve this.
- 7.3 I consider that amendments should be made to clause (a)(iii) of Policy 5-3 to clarify that fencelines are not infrastructure, and to provide equal recognition for facilities of regional and national importance as is provided for infrastructure.
- 7.4 It is my opinion that appropriate control can be provided over the effects of vegetation clearance and land disturbance by amending Rules 12-1, 12-3 and 12-4 so that they are on a per-hectare basis rather than a per-property basis. I consider that per-property controls are not effects based, do not achieve sustainable management, and are therefore unreasonable.

Emily Grace, 30 June 2008

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APPENDIX 1: Minutes of 23 May 2008 meeting

NZDF One Plan Meeting with Horizons Regional Council

Friday 23 May 2008, 10am, Horizons offices, Palmerston North

Present: Rob Owen, New Zealand Defence Force
 Elaine Stuart, New Zealand Defence Force
 Emily Grace, Tonkin & Taylor

Helen Marr, Horizons Regional Council
 Natasha James, Horizons Regional Council

1. INFRASTRUCTURE

NZDF facilities as infrastructure		
Policy 3-1 (a)	NZDF request	<ul style="list-style-type: none"> That all defence facilities are included as infrastructure
	HRC response	<ul style="list-style-type: none"> Defence facilities do not fit the RMA definition of infrastructure. HRC not willing to include defence facilities in definition as this would broaden the definition too far.
	Action	<ul style="list-style-type: none"> NZDF to consider further.
	NZDF Response	See submission on Policy 5-3 below.
Water and wastewater		
Policy 3-1 (a) (vii)	NZDF request	<ul style="list-style-type: none"> Provide for NZDF's community water and wastewater functions in the policy – amend (a)(vii) so that it is not specific to territorial authorities
	HRC response	<ul style="list-style-type: none"> Accept this point. Policy may refer to "community supply" – NZDF's facilities would meet definition of community supply, but would need to remove reference to CTs in definition.
	Action	<ul style="list-style-type: none"> HRC to amend policy.

2. LAND

Whole Farm Business Plans (WFBP)		
Obj 5-1, Policy 5-1, 5-2, 5-3, Rule 12-1, 12-3, 12-4	NZDF request	<ul style="list-style-type: none"> WFBPs should be available in respect of all land. Suggested a "Land Management Plan" for use on land other than farms.
	HRC response	<ul style="list-style-type: none"> Acknowledge this point. Farms are the main focus for Horizons. HRC sees Codes of Practice as the same thing as a WFBP, and wants to recognise these (see next point).
	Action	<ul style="list-style-type: none"> See below
Codes of Practice (CoP)		
Policy 5-5, Policy 12-2	NZDF request	<ul style="list-style-type: none"> Retain these policies recognising CoPs. Include words such as "timely and effective manner" in policy to indicate HRC's intent re plan changes for CoPs.

	HRC response	<ul style="list-style-type: none"> • Cannot include a CoP by reference, so will have to be a Plan Change process for new CoPs. • This process should be a formality if preparation work is done well. • HRC accepts NZDF's points. • WFBPs do not require plan change.
	Action	<ul style="list-style-type: none"> • HRC to amend Chapter 1 to include words that express HRC's intention to bring in plan changes to give effect to CoPs. • After receiving COP and approving it HRC can amend rules in Chapter 12 so that no consent is required if CoP is followed, same as for WFBPs. However as noted above this will require a plan change process if post notification. • NZDF to consider if there is a way for CoPs to also not require a plan change – would need very specific rule, like WFBPs.
	NZDF Response	HRC position accepted
Exception for fencelines		
Policy 5-3 (a) (iii)	NZDF request	<ul style="list-style-type: none"> • That the word fencelines is replaced with the words "essential facilities" or similar
	HRC response	<ul style="list-style-type: none"> • Must be careful to keep wording specific and not open the exception too wide
	Action	<ul style="list-style-type: none"> • NZDF to consider further
	NZDF Response	The policy refers to "... <i>fenceline or other infrastructure</i> ..." and is incorrect in that a fenceline is not "infrastructure" as defined. The policy would appear, on the face it, to provide for establishment of (for example) airports and power stations on highly erodible land! Our concern is simply that HRC appears to be prepared to extend the definition and treatment of "infrastructure" to fencelines but not to nationally significant Defence Facilities (see submission on Policy 3-1 above). We find that inconsistent and question whether this policy serves a resource management or a political purpose. Our original submission stands.

3. RARE AND THREATENED HABITATS

More than minor loss		
Obj 7-1	NZDF request	<ul style="list-style-type: none"> • That "more than minor" is added to the objective.
	HRC response	<ul style="list-style-type: none"> • Accept this point – it would make the objective more consistent with the policies.
	Action	<ul style="list-style-type: none"> • HRC to modify the objective.
Maintenance		
Policy 7-2, Policy 7-3, Policy 14-1 Rule 12-7,	NZDF request	<ul style="list-style-type: none"> • Add the word "maintenance" to the policies and rules to better reflect NZDF practices
	HRC response	<ul style="list-style-type: none"> • Accept this point.
	Action	<ul style="list-style-type: none"> • HRC to add the word "maintenance" to the policies

Rule 12-8, Rule 14-2		and rules.

Live ammunition		
Rule 12-7, Rule 12-8	NZDF request	<ul style="list-style-type: none"> • Add a sub-clause to the list providing an exception for military training using live ammunition.
	HRC response	<ul style="list-style-type: none"> • CoP would be a better way to manage this issue. • There have been no further submissions against this submission.
	Action	<ul style="list-style-type: none"> • HRC will consider this point further. Likely to include the requested change, or something similar.

4. Highly Erodible Land

Definition of Highly Erodible Land		
Schedule A	NZDF request	<ul style="list-style-type: none"> • The identification of Highly Erodible Land is made more straight forward.
	HRC response	<ul style="list-style-type: none"> • Have recommended a change to the definition of highly erodible land.
	Action	<ul style="list-style-type: none"> • HRC to include new definition of Highly Erodible Land [new definition has been proposed in our submission to the Plan and will be included in the plan if accepted by hearing committee.].

5. “Per property per year”

Controls based on pre-property disturbance		
Chapter 12, Rule 13-25, Chapter 15	NZDF request	<ul style="list-style-type: none"> • Controls for land disturbance and water takes/discharges based on “per-property” standards are not effects based and are unreasonable
	HRC response	<ul style="list-style-type: none"> • Acknowledge that “per-property” is not ideal, but cannot think of a better way
	Action	<ul style="list-style-type: none"> • NZDF to suggest alternative controls
	NZDF Response	<p>Controls for effects on land should be on a per hectare basis (recognising that if the land was subdivided then greater effects would be accepted and that the assimilative capacity of the land is per ha not per property.)</p> <p>Controls for effects on water should be in terms of the assimilative capacity of the receiving water. That could be represented by flow rate (m³/sec) or the area of the contributing catchment upstream of the discharge point, as a more easily measured surrogate.</p>

6. Discharge of Contaminants

Allowance for live ammunition		
Rule 13-25	NZDF request	<ul style="list-style-type: none"> • That allowance is made for discharge of live ammunition to land that will not enter water

	HRC response	<ul style="list-style-type: none"> Accept this point. A more generic exception would be better, but it seems that specific reference to live ammunition is the best way.
	Action	<ul style="list-style-type: none"> HRC to alter rule

7. Hautapu Water Conservation Notice

Plan to be consistent with intent of Conservation Notice		
Policy 6-15 Policy 6-19 Rule table 15.2 Rule 16-1, Rule 16-2	NZDF request	<ul style="list-style-type: none"> The Conservation Notice should have no effect on new consents to replace expiring consents – intent of the Conservation Notice was to allow for “renewals”
	HRC response	<ul style="list-style-type: none"> May be no effect – need to check against core allocation in Appendix B. If meets core allocation, then controlled activity. Non-complying if not. Can amend Policy 6-19 by adding in “for public water supply”.
	Action	<ul style="list-style-type: none"> HRC to ask John to confirm how core allocation affects NZDF interests on Hautapu River. HRC to amend Policy 6-19. NZDF to consider issue further.
	NZDF Response	<ul style="list-style-type: none"> Core allocation is 112L/sec at Taihape. NZDF take is 63L/sec at the extreme upper limit of the catchment. We are unaware of the volume of other takes in the catchment but believe that Taihape’s community supply is taken from the Hautapu Catchment. We are not happy to rely on the core allocation approach and would like to see the rules amended to give effect to Policy 6-15 (HRC) I have asked for Jon to reply to this query and we will get back to you in due course about it.

8. Bridges

Allowance for temporary bridges		
Rule 16-12	NZDF request	<ul style="list-style-type: none"> New rule should be added providing for the erection, use and removal of temporary bridges for military training
	HRC response	<ul style="list-style-type: none"> Bridges that do not have a foot in the riverbed are good – if not currently allowed by rules, will consider making an exception. We believe that the rules currently do provide for temporary bridges that do not have a foot in the bed so the below is not necessary.
	Action	<ul style="list-style-type: none"> NZDF to review rule and make suggestions to HRC for alterations needed.
	NZDF Response	<ul style="list-style-type: none"> See proposed rule below

Rules – Other Structures

16-??

Temporary Bridging

The erection, reconstruction, placement, alteration, use and demolition or removal of

temporary bridging in, on or over the bed of a river or lake pursuant to s 13(1) RMA, and any associated:

- (a) disturbance of the river bed pursuant to s 13(1) RMA,
- (b) discharge of water or sediment pursuant to s 15(1) RMA.

Is **Permitted** subject to the following conditions:

- (a) The Temporary Bridging and any associated support structures shall either:
 - (i) be wholly located over the bed of the waterbody, or
 - (ii) occupy no more than 20 m² of the bed of the waterbody.
- (b) The Temporary Bridging and any associated support structures shall be removed within 3 months of completion of construction
- (c) The activity shall not take place in a Natural State* waterbody.
- (d) The activity shall comply with the standard conditions listed in Section 16.2.