

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
GENERAL HEARING ON THE PROPOSED ONE PLAN**

Dated: 17 April 2009

1.0 Introduction

1.1 My full name is Emily Suzanne Grace.

1.2 I have been employed by Tonkin & Taylor Limited for the last four years as a Resource Management Practitioner. I hold a Bachelor of Science degree with Honours in Physical Geography and a Bachelor of Laws. I have approximately six 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 & Taylor Limited I have reviewed and made submissions on a number of proposed planning documents prepared under the Resource Management Act 1991 (RMA), including regional policy statements, regional plans and district plans. I also regularly prepare resource consent applications to both regional and district councils, and process applications to district councils on those councils' behalf.

1.4 I appear at the request of the New Zealand Defence Force (NZDF), who lodged a submission and further submissions on the Proposed One Plan (One Plan).

1.5 I am familiar with the One Plan to which these proceedings relate. I have previously presented evidence at the Hearings on the One Plan on the topics of Land and Biodiversity.

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. The evidence within my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2.0 Summary of Evidence

2.1 This evidence addresses NZDF's issues to be covered by the Proposed One Plan General Hearing. NZDF's issues relate to the topics of: Administration and Finance; Air; Infrastructure, Energy and Waste. These issues were identified in NZDF's original submission, and are the subject of assessments and recommendations contained in the three corresponding Horizons Regional Council's Planners Reports on Submissions (Planners 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 some of NZDF's outstanding infrastructure-related issues. I note that the Planners Report and recommendations reflect the outcomes of this meeting. The relevant part of the minutes of this meeting, prepared by NZDF and amended by HRC officers, are included as Appendix 1 to my evidence. I note that at the time of preparing this evidence, a further meeting between NZDF and HRC officers is likely to take place prior to the General Hearing commencing.

2.3 The statement provided by Mr Rob Owen of NZDF at the Overall One Plan Hearing on 3 July 2008 provides background to my evidence. In summary, NZDF has a specific role as a provider of water and wastewater services (at Waiouru, Linton and Ohakea) and an airfield (at Ohakea), and provides regionally and nationally important Defence facilities at these and other locations in the Manawatu-Wanganui Region. NZDF is

concerned that these services, Defence facilities, and Defence activities should not be compromised by inappropriate decision-making under the RMA. NZDF considers that the most appropriate way for the One Plan to ensure that these services, facilities and activities are not compromised is to make specific provision for the specific services and activities, and to afford the same status to all Defence facilities in the Region as is provided for other infrastructure and physical resources of regional and national importance.

2.4 NZDF's administration-related issue relates to Policy 2-2(c)(v), which addresses consent durations. NZDF's original submission supported this policy, and my evidence provides support for the officer's recommendation to retain this policy.

2.5 NZDF's air-related concerns cover two main issues, as follows:

(a) The use of agrichemicals: My evidence provides further explanation for NZDF's original submission point requesting that an exception is included in Rules 14-1 and 14-2 to allow for the discharge of agrichemicals within rare or threatened or at-risk habitats for the purpose of maintaining habitat. My evidence requests that such an exception is included, in order to provide for NZDF's nationally important activities.

(b) Open burning for fire training purposes: My evidence provides support for the officer's recommendation to include buildings in the list of materials that can be burnt for fire training purposes within Rule 14-5(b). It also requests changes to the definition of 'Fire Training' proposed by the officer, to ensure that NZDF's nationally important activities are appropriately provided for by the One Plan. My evidence also requests an amendment to standard (d) of Rule 14-5 proposed by the officer, to ensure that the standard is reasonable and practicable.

2.6 NZDF's infrastructure-related concerns cover three main issues, as follows:

(a) NZDF is concerned that the One Plan does not provide sufficient provision and protection for all Defence facilities of regional and national importance. While specific mention is made of some facilities, this is not extended to all. NZDF

considers that in addition to the Ohakea airfield, Defence facilities at Linton and Waiouru, as well as the entire Ohakea Air Base, should also be included in the list of infrastructure in Policy 3-1 (Benefits of infrastructure). Policy 3-1 specifically addresses infrastructure of regional and national importance. I concur with NZDF's concerns. My evidence explains that Defence facilities do meet the criteria used by the officer in the Planners Report for inclusion in Policy 3-1. I also suggest that it is appropriate for the definition of infrastructure in the One Plan to be extended to include Defence facilities, and also offer an alternative method to achieve a similar result.

(b) NZDF is concerned that Policy 3-1(a) (Benefits of infrastructure – physical resources of regional and national importance) of the One Plan only recognises Territorial Authorities as providers of community water and wastewater services and does not recognise any other providers of these services, such as NZDF. I agree with NZDF's concern. My evidence expresses general support for the Planners Report Recommendation on this matter, but suggests specific amendments to the Recommendation to improve and clarify the proposed wording to take NZDF's interests into account.

(c) NZDF's submission expressed support for Policy 3-2 (Adverse effects of other activities on infrastructure). My evidence provides general support for the Planners Report Recommendation on this matter, which is to retain this policy with some specific amendments.

3.0 Administration: Consent Duration

3.1 NZDF's original submission expressed support for Policy 2-2(c)(v) of the One Plan, which was related to consent durations and was worded as follows:

“(c) Matters to be considered in determining a shorter or longer term consent duration than requested under (a):

(v) the most appropriate balance between environmental protection and investment by the applicant.”

3.2 I note that the officer has recommended reordering this section of the One Plan and moving it to new Chapter 11A. The new reference for this Policy is 11A-5(c)(v).

3.3 The officer has recommended that sub-clause (v) of this policy is retained without change. I support this recommendation as I consider that this is an appropriate and pragmatic criterion for determining the term of a consent. I recommend that the Hearing Panel accepts the officer's recommendation in this regard (Recommendation ADM 9).

4.0 Air: The Use of Agrichemicals

4.1 NZDF's original submission addressed Policy 14-1 (Consent decision making for agrichemicals), Rule 14-1 (Small-scale application of agrichemicals), and Rule 14-2 (Widespread application of agrichemicals) in relation to NZDF's use of agrichemicals to control the natural successional spread of woody vegetation through the tussock grassland within the Waiouru Military Training Area. NZDF is concerned that the rules, as currently written, would unnecessarily restrict NZDF's maintenance of the tussock grassland habitat within which training operations are carried out. If this restriction were carried through to an operative One Plan, it would contribute significantly to the eventual loss of the recognised ecological and training values of the tussock grasslands.

4.2 NZDF's submission requests the following exception is added to the end of Rules 14-1 and 14-2 (addition shown in underline):

"There shall be no discharge within any rare and threatened habitat or at-risk habitat, except for the purposes of pest control, or for the purpose of protecting, maintaining or enhancing any rare or threatened or at-risk habitat."

4.3 The officer recommendations on this submission point (recommendations AIR 28 and 29) are to decline NZDF's request in relation to rules 14-1 and 14-2. The reason for these recommendations appears to be lack of understanding of the reason for the original request.

4.4 My understanding of NZDF's operations is that regular spreading of agrichemicals is required over parts of the tussock grasslands in the Waiouru Military Training Area in

order to maintain the tussock coverage, which is essential to allow certain training activities. The long term objective of these control operations is to allow the natural succession towards beech forest to occur in the less accessible steep gullies and slopes and to maintain the more accessible land in tussock grassland. In the absence of such control, woody vegetation establishes. It is therefore NZDF's maintenance of the tussock grassland that has resulted in the continuation of this rare habitat in specific areas of the Waiouru Military Training Area.

4.5 I consider that NZDF's request to include an exception into Rules 14-1 and 14-2 is appropriate and reasonable. Such an exception would allow for the protection and maintenance of a rare habitat, while at the same time allowing for the continued operation of nationally important military training activities.

4.6 This requirement for NZDF to be able to protect and maintain habitat has been provided for within the Land and Biodiversity Chapters of the One Plan. Policies and rules within these chapters (for example Policy 5-2(c), Policy 7-1A(b) and (c), and Rule 12-1), as proposed to be amended by the officers, allow activities "*for the purposes of pest control and habitat maintenance or enhancement*". Further, I note that in these chapters, policies note that activities will be "generally allowed" where they are for the provision of infrastructure of regional or national importance. Providing such an exception within the Air Chapter would therefore be consistent with other chapters within the One Plan.

4.7 I recommend that the Hearing Panel accepts NZDF's request to amend condition (d) of Rule 14-1 and condition (b) of Rule 14-2 by adding to the end of each condition the words "or for the purpose of protecting, maintaining or enhancing any rare or threatened or at-risk habitat".

5.0 Air: Open Burning

5.1 NZDF's original submission supported Rule 14-5(b), which provides for the open burning of materials for fire training purposes. NZDF requested that the sub-clause (b) of the Rule be retained without change.

5.2 The officer notes NZDF's support and does not recommend any changes as a result of

NZDF's submission. However, the officer does recommend changes as a result of other submissions on this rule which affect NZDF's concerns.

5.3 I understand that NZDF undertakes fire training as part of its training operations. This may at times include the burning of standing buildings. I support the officer's recommendation to include "*buildings including those containing halogenated materials*" in the list of materials that can be burnt as a permitted activity in Rule 14-5(b). This is a pragmatic and reasonable addition to the rule. I recommend that the Hearing Panel accepts the officer's recommendation (recommendation AIR 32) in this regard.

5.4 The officer has recommended the addition of the following condition to Rule 14-5:

"(d) The discharge shall not cause any reduction in visibility on any designated commercial or military flight path."

5.5 While this appears to be a reasonable and pragmatic condition for open burning, it has, in the way it is currently worded, the potential to be problematic and overly restrictive. "Any" in this context is an absolute and could result in the merest wisp of passing smoke on a flight path constituting a breach of the rule. Removal of the word "any" or its substitution with "significant" or "obstructive" would make the rule more flexible.

5.6 The officer also recommends the addition of a definition for Fire Training to the Glossary of the One Plan. I agree that a definition would be useful. However, as currently written, the definition would not cover NZDF fire training activities. I recommend that the following sub-clause is added to the definition, to ensure that sufficient allowance is made for NZDF fire training activities (addition shown in underline):

"Fire Training: For the purposes of defining the term fire training as it appears in rule 14-5 fire training shall be undertaken by:

- (a) The New Zealand Fire Service (or under authority of); or*
- (b) Any Rural Fire Authority (or under the authority of); or*
- (c) A New Zealand Qualification Authority registered provider accredited for fire training;*
- (d) The New Zealand Defence Force Fire Service (or under the authority of), including the School of Military Engineering."*

5.7 I consider that this addition is appropriate as NZDF provides an important fire fighting and emergency response service, and fire training is a necessary part of military training. In addition, the Fire Service Act identifies NZDF as a Fire Service, and the School of Military Engineering is an approved Teaching Establishment under NZDF's Government Training Establishment status.

6.0 Infrastructure: Defence Facilities as Infrastructure

6.1 NZDF's submission requested that all Defence facilities at Ohakea, Linton and Waiouru be included within the list of infrastructure in Policy 3-1 and recognised as physical resources of regional and national importance. The Planners Report Recommendation (recommendation IEW 9) is to exclude Defence facilities at Linton and Waiouru from the list, and to only include specific reference to the RNZAF airfield at Ohakea (rather than the entire base area) for the reasons that I address shortly.

6.2 NZDF has nine major facilities around the country, three of which are within the Horizons Region and covered by the One Plan. This issue is therefore a very important one for NZDF.

6.3 It is my opinion that Defence facilities are regionally and nationally important and should be appropriately provided for and protected by the One Plan. I consider that the most appropriate way to do this is by defining Defence facilities as infrastructure and specifically listing them in Policy 3-1 as physical resources of regional and national importance.

6.4 The Planners Report uses two criteria to evaluate additions to the list of regionally and nationally important physical resources in Policy 3-1. Based on these criteria, the Planners Report concludes that Defence facilities cannot be included in the list. It is my opinion that Defence facilities **do** meet these two criteria and should therefore be included in the list in Policy 3-1.

6.5 The first criterion used is the importance of the physical resource in enabling people and communities to provide for their social, economic, and cultural wellbeing and for their

health and safety. I consider that Defence facilities meet this criterion in the following ways:

- They provide for national and international security, ensuring that communities are able to provide for their social, economic and cultural wellbeing
- They provide for civil defence, fire and search and rescue responses, providing for community health and safety
- They provide employment for a significant number of people within the Region, providing for economic well being for the Region's community
- They provide for the treatment of water and wastewater, providing for community health and safety.

6.6 I consider that Defence facilities are nationally and regionally important facilities that the One Plan should support and make provision for.

6.7 The second criterion used in the Planners Report is whether the physical resource is consistent with the definition of infrastructure from the RMA (I have included the RMA definition of infrastructure in Appendix 2 to this evidence). While not all physical resources within Defence facilities would fit this definition, Defence facilities do have similar characteristics to the physical resources listed in the RMA definition and I consider that Defence facilities are consistent with the definition of infrastructure, as follows:

- Defence facilities are regionally and nationally strategically important and they are provided for the 'public good'. Their primary purpose is not to generate profit. This characteristic is common to roads, lines for conveying electricity, radio communication networks and other physical resources listed in the RMA definition.
- 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 Waiouru 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.

- 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.
- Defence facilities are also integrally linked to some of the physical resources listed in the RMA definition. For example, the Ohakea Air Base is integrally linked to the Ohakea airfield, and the Linton Military Camp is linked to the community water treatment and supply and sewage treatment systems located there.

6.8 Based on this analysis, it is my opinion that Defence facilities can be included in the list of physical resources of regional and national importance in Policy 3-1. I recommend that the following clause is added to Policy 3-1(a) (addition shown in underline):

“(a)All persons exercising functions and powers under the RMA shall recognise the following infrastructure within the Region as being physical resources of regional and national importance:*

(xii) New Zealand Defence Force facilities, including Waiouru Military Training Area, RNZAF Base Ohakea, Linton Military Camp, Raumai Air Weapons Range.”

6.9 This addition could be a new clause added to the list in Policy 3-1(a), or it could take the place of the clause that currently provides for just the Ohakea airfield (specific mention of the airfield would not be necessary if the entire base is provided for by the clause I recommend above).

6.10 Listing Defence facilities in Policy 3-1 would confirm that Defence facilities are physical resources of regional and national importance, and would also imply that Defence facilities are infrastructure for the purposes of the One Plan. In order to confirm this, rather than leave it to inference, I recommend extending the definition of infrastructure in the One Plan to include Defence facilities. This would also clarify that Objective 3-1, and other policies and rules that use the term ‘infrastructure’, also apply to Defence facilities. In this way, the same recognition and protection provided under

the One Plan for infrastructure (as defined by the RMA) would also be provided to Defence facilities, which I consider warrant similar protection under the One Plan.

6.11 In addition to the reasons I have listed in paragraphs 6.5 and 6.7 for why NZDF facilities should be treated in the same way as infrastructure and physical resources of regional and national importance, I consider that it is appropriate for NZDF facilities to be treated in the same way as infrastructure by the One Plan because of the similar way that the RMA treats requiring authorities and network utility operators. NZDF is a requiring authority in accordance with Section 166 of the RMA. Network Utility Operators are also able to become requiring authorities under Section 166 of the RMA, and are then afforded the same protections and privileges as requiring authorities under the RMA. The definition of network utility operator in Section 166 of the RMA is very similar to the definition of infrastructure contained in Section 2 of the RMA, and in fact network utility operations are included in the definition of infrastructure. I consider that if the RMA treats network utility operators in the same way as it treats requiring authorities, then the One Plan would be justified in treating a requiring authority such as NZDF in the same way that it treats infrastructure (network utilities).

6.12 I recommend that the following definition of ‘infrastructure’ is included in the Glossary of the One Plan:

“Infrastructure has the same meaning as in the Resource Management Act 1991 and, in addition, also includes New Zealand Defence Force facilities.”

6.13 I note that Recommendation IEW 36 of the Planners Report is to delete the definition of infrastructure currently in the Glossary of the One Plan. The reasoning given is because the definition in the Glossary is the same as the RMA definition, and the Glossary includes a statement that definitions provided in the RMA will not be repeated in the Glossary. I agree that it should not be necessary to repeat definitions that are contained in the RMA, especially when such a statement is included at the beginning of the Glossary.

6.14 However, I consider that it is appropriate for the One Plan to contain a specific

definition for the specific purpose required by the One Plan. In the case of providing similar protection to NZDF facilities as are provided to infrastructure, when NZDF facilities warrant such protection because they are nationally and regionally important and display similar characteristics to infrastructure, I consider that the definition I recommend in paragraph 6.12 is appropriate.

- 6.15 The definition of “critical infrastructure” within the Glossary of the One Plan provides an example of where an RMA definition has been extended by the One Plan for a specific purpose under the One Plan. This definition has been developed for use in the Natural Hazards chapter of the One Plan, and is used as a means of controlling the location of “critical infrastructure”. The definition includes “*infrastructure for healthcare institutions including hospitals*”. Healthcare institutions and hospitals would not fit the definition of infrastructure provided by the RMA, but it is appropriate for the One Plan to extend the definition in this case so that health care institutions are provided for in the same way as infrastructure. There is therefore a precedent within the One Plan for the type of definition I propose in paragraph 6.12.
- 6.16 I consider that the definition I propose at paragraph 6.12 would not ‘open the flood gates’ and provide unintended protection of other ‘non-infrastructure’ facilities. The definition I propose is specific to NZDF facilities and could not be applied to any other facilities.
- 6.17 I consider that there are strong planning arguments for the One Plan to treat NZDF facilities in the same way as infrastructure, as I have described. In addition, the consequences of not affording the same protection to NZDF facilities can be considered.
- 6.18 Besides Policy 3-1, there are other policies within other chapters of the One Plan that provide specific direction to decision-makers to consider the benefits of infrastructure, particularly infrastructure of regional and national importance, when making policy and resource consent decisions (for example: Policy 5-2(c)(iv) & (v), Policy 12-2(b), Policy 7-1A(b) & (c), Policy 12-6(b)). For example, within the Land and Biodiversity chapters, activities such as vegetation clearance within rare, threatened or at-risk habitats are to be “generally allowed” where they are for the provision of infrastructure. Including Defence facilities within the definition of infrastructure would ensure that

these other policies also apply to Defence facilities; without such a link none of these other policies would apply to decision making for Defence facilities and there would be no policy-level direction in the One Plan in relation to NZDF's regionally and nationally important functions.

- 6.19 I consider there to be an alternative way to ensure that other infrastructure-related policies also apply to Defence facilities. This would be to include Defence facilities within Policy 3-1 as I request in paragraph 6.8, and to also ensure that the other policies within the One Plan that refer to infrastructure refer back to Policy 3-1. If all infrastructure provisions are worded in a consistent manner throughout the One Plan and cross-reference Policy 3-1, then there would be no need to alter the definition of infrastructure in the One Plan.
- 6.20 My previous evidence presented to the Hearing Panel for the Land and Biodiversity Hearings has made reference to infrastructure-related provisions in these chapters. In this evidence I have requested changes to the wording of these provisions, in an attempt to have NZDF facilities treated in the same way as infrastructure is treated, and to ensure consistency across the One Plan chapters. I have attached, at Appendices 3 and 4 of this evidence, the infrastructure-related sections of my previously presented Land and Biodiversity evidence.
- 6.21 My previous evidence illustrates the varying ways that the One Plan chapters reference infrastructure. References are made to just '*infrastructure*', to '*activities important or essential to the well-being of local communities ... including ... infrastructure*', and to "*infrastructure of regional or national importance as identified in Policy 3-1*".
- 6.22 If Defence facilities are included in an extended definition of infrastructure, all of these provisions would apply to NZDF. The alternative way to achieve the same result is for Defence facilities to be listed in Policy 3-1, and for the other infrastructure policies to use the words "*infrastructure of regional or national importance as identified in Policy 3-1*", rather than the other options identified above in paragraph 6.21.
- 6.23 If this alternative option was to be accepted by the Hearing Panel, I would recommend one further modification to the introductory words of Policy 3-1(a), as follows:

“(a) All persons exercising functions and powers under the RMA shall recognise the following ~~infrastructure within the Region as being~~ physical resources of regional and national importance within the Region.”

- 6.24 The word “*infrastructure*” could be seen as somewhat redundant in the policy as the policy is aiming to protect physical resources that are regionally and nationally important. The cross-reference in the other infrastructure-related provisions would then have to refer to “*physical resources*” rather than to infrastructure.
- 6.25 Removal of the word “*infrastructure*” may appear to ‘open the floodgates’ to all and any physical resources of regional and national importance. However, Policy 3-1 would effectively act as a definition of “*physical resources of regional and national importance*” and would narrow application of provisions that used the term “*physical resources of regional and national importance*” to only those identified in Policy 3-1.
- 6.26 In summary, I consider that it is reasonable, justified and appropriate for all NZDF facilities to be specified in Policy 3-1 as physical resources of regional and national importance, and for the definition of infrastructure in the Glossary of the One Plan to be extended to include NZDF facilities. An alternative option to extending the definition would be to use cross-references to Policy 3-1 (as amended to refer to Defence facilities) in the other infrastructure-related provisions of the One Plan.

7.0 Water and wastewater services

- 7.1 NZDF’s submission point on this matter requested that water and wastewater providers other than Territorial Authorities be recognised by Policy 3-1. This is because NZDF provides community water and wastewater services at its Waiouru, Linton and Ohakea facilities, and also to the adjacent civilian community at Waiouru. At the meeting held between NZDF and Council staff in May 2008, Council staff agreed that it was appropriate for the reference to Territorial Authorities to be removed from the policy and therefore allow other providers of water and wastewater services to be acknowledged by the Policy.

7.2 The Planners Report Recommendation (recommendation IEW 9) is to remove reference to Territorial Authorities from the clause that refers to water and wastewater services, and also to separate water and wastewater services into two clauses. The two altered clauses would read as follows:

“(a)All persons exercising functions and powers under the RMA shall recognise the following infrastructure within the Region as being physical resources of regional and national importance:*

...

(ix) Public sewage treatment plants and associated sewerage system

(x) Public water supply treatment plants and distribution systems”*

7.3 I am generally supportive of the recommendation to include clauses (ix) and (x) as these would allow water and wastewater services to be recognised by the One Plan regardless of who the provider is. My general support is subject to my specific comments below.

7.4 The Planners Report Recommendation is to remove the phrase ‘community water supply’ and replace it with the phrase ‘public water supply’. Public water supply is defined in the Glossary to the One Plan. I understand that this is a definition taken from legislation other than the RMA. This definition reads as follows:

“Public water supply means a reticulated publicly or privately owned drinking water supply connecting at least two buildings on separate titles and serving at least 1500 person days per year (i.e., 25 people for at least 60 days per year).”

7.5 The use of the phrase “on separate titles” within the definition would result in much of NZDF’s water supply services being excluded from the policy. This is because most of NZDF land is not subject to certificates of title (as has been explained by Mr Rob Owen at the Overall Plan Hearing). In addition, areas of the facilities that benefit from the community water supply are often contained within one allotment of land. NZDF services would meet the servicing requirement of at least 1500 person days per year.

7.6 I consider that NZDF water supply services should be given recognition within Policy 3-

1. I consider that the most appropriate way to achieve this is to alter the definition of ‘public water supply’ by removing the term ‘on separate titles’. I consider that for the purposes of being recognised as a physical resource of regional and national importance in Policy 3-1, the most important aspect of a water supply should be the number of people it serves. I consider that the requirement for at least two buildings on separate titles is not necessary for the specific purposes of Policy 3-1. However I acknowledge that it is not necessarily the intention that the One Plan provides for all water supplies that serve a number of people. I therefore consider reinsertion of the concept of ‘community’ would avoid confusion as to whether (for example) a commercial accommodation facility would meet the definition. I therefore recommend that the definition be altered as follows (addition shown in underline, deletion shown in ~~strikethrough~~):

“Public water supply means a reticulated publicly or privately owned community drinking water supply connecting at least two buildings ~~on separate titles~~ and serving at least 1500 person days per year (i.e., 25 people for at least 60 days per year).”

7.7 I note that there is no definition of ‘public sewage treatment plant’ currently in the Glossary to the One Plan, and the Planning Report does not propose including one. I consider that there may be some ambiguity as to whether Defence sewerage systems are considered to be ‘public’ systems or not. Being owned by the Crown, they could be considered public. However if the service is provided only to a specific Defence community, it may not be considered public.

7.8 I consider that this potential ambiguity could be removed by the inclusion of a definition of ‘public sewage treatment plant’ within the Glossary to the One Plan. This definition could be formulated in a similar way to the definition of ‘public water supply’ (and should not refer to certificates of titles or allotments). Alternatively, the phrase ‘community sewage treatment plant’ could be used. The word ‘community’ is used in Policy 3-1 as notified. Use of ‘community’ avoids the need to distinguish between public and private facilities, and also implies that ‘more than two buildings’ are needed.

8.0 Adverse effects of other activities on infrastructure

8.1 NZDF's submission provided support for Policy 3-2 Adverse effects of other activities on infrastructure. I agree that this policy should be supported. It provides a number of mechanisms to ensure that reverse sensitivity effects on infrastructure are avoided. I support these mechanisms and the overall aim to avoid reverse sensitivity effects.

8.2 The Planners Report Recommendation (recommendation IEW 10) is to retain this policy and to make some minor additions to it. I support this recommendation in so far as it retains the overall intent of the policy.

9.0 Conclusion

9.1 NZDF requests a number of relatively minor changes to the One Plan provisions to ensure that the One Plan provides for NZDF's day-to-day regionally and nationally strategic activities. These changes would not alter the general intent of the provisions; rather they would provide greater clarity and certainty with regard to NZDF's particular requirements. The changes I recommend to meet NZDF's concerns are summarised as follows:

- Rules 14-1 and 14-2 (discharge of agrichemicals): to include an exception to allow the discharge of agrichemicals within rare, threatened and at-risk habitat in order to provide for the protection and maintenance of habitat by NZDF.
- Rule 14-5 (open burning): changes to the 'flight path' condition of this rule, and an addition to the proposed definition of Fire Training, in order to provide for NZDF's fire training activities.
- Policy 3-1: alteration to the water and wastewater services sub-clauses to provide for service providers other than Territorial Authorities, and changes to the definition of 'public water supply' and clarification of the meaning of 'public sewage treatment plants'.

9.2 I also consider that the request to recognise and provide for all NZDF facilities within Policy 3-1 as physical resources of regional and national importance, and to extend the definition of infrastructure in the One Plan Glossary to include NZDF facilities, are reasonable, justified and necessary requests that would only alter the way the One Plan

applies to NZDF facilities, and not to any other party.

Emily Grace, 17 April 2009

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APPENDIX 1: Relevant section of 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 officer response	<ul style="list-style-type: none"> • Defence facilities do not fit the RMA definition of infrastructure. HRC officers 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 officer 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 officers to amend policy.

APPENDIX 2: Definition of infrastructure from
the RMA

infrastructure, in section 30, means—

- (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
- (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
- (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - (i) uses them in connection with the generation of electricity for the person's use; and
 - (ii) does not use them to generate any electricity for supply to any other person:
- (e) a water supply distribution system, including a system for irrigation:
- (f) a drainage or sewerage system:
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:
- (i) an airport as defined in section 2 of the Airport Authorities Act 1966:
- (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
- (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of **network utility operator** in section 166

APPENDIX 3: Infrastructure-related section of
Land evidence

From “**Supplementary Statement** of Evidence of Emily Suzanne Grace for New Zealand Defence Force, **Land** Submissions on the Proposed One Plan”, dated **20 November 2008**:

Policy 5-2(c)(iv)

5.6 Policy 12-2(b) is as follows:

“Generally allow vegetation clearance or land disturbance caused by an activity that is important or essential to the well-being of local communities, the Region or a wider area of New Zealand, including, but not limited to, natural hazard management and the provision of infrastructure.”

5.7 I support this policy, particularly the reference to “activities that are important or essential to the well-being of local communities, the Region or a wider area of New Zealand.” There are a number of activities that would fit this definition, including NZDF activities, but which the One Plan does not define as infrastructure.

5.8 Policy 5-2(c)(iv) is as follows:

“Recognise and provide for the establishment of infrastructure”

5.9 This policy is more specific than Policy 12-2(b). I consider that to provide more support for, and a link to, Policy 12-2(b), Policy 5-2(c)(iv) should also refer to “activities that are important or essential to the well-being of local communities, the Region or a wider area of New Zealand”, rather than just referring to infrastructure. This would provide greater consistency between the One Plan provisions. I recommend amending Policy 5-2(c)(iv) as follows:

“Recognise and provide for the establishment of activities that are important or essential to the well-being of local communities, the Region or a wider area of New Zealand, including infrastructure.”

From “**Speaking Notes** of Emily Suzanne Grace for New Zealand Defence Force, **Reconvened Land Hearing**”, dated **8 December 2008**:

Infrastructure: Policy 5-2(c)(iv) and Policy 12-2(b)

- 3.12 My supplementary evidence recommended that Policy 5-2(c)(iv) and Policy 12-2(b), which both refer to infrastructure, were consistent with each other in the way that they refer to infrastructure. Specifically, I suggested that the wording of Policy 12-2 (*activities important or essential to the well-being of local communities, including, but not limited to, ... infrastructure*) be applied to Policy 5-2(c)(iv), which uses only the word *infrastructure*.
- 3.13 Mr Percy does not recommend making the change I suggest to Policy 5-2(c)(iv), due to the broad interpretation applicable to “*activities important or essential to the well-being of local communities*”.
- 3.14 This issue relates to one of NZDF’s original submission points, that NZDF facilities should be provided for by the One Plan in the same manner that infrastructure that meets the RMA definition of infrastructure is provided for. This matter will come up at the up-coming Infrastructure, Energy and Waste Hearing in relation to Policy 3-1 of the One Plan. I will present further planning evidence on this issue at this later hearing.
- 3.15 In summary, I intend to present evidence that NZDF facilities have very similar characteristics to infrastructure and are nationally important facilities. Therefore, they warrant similar protection to that given to infrastructure of regional and national importance by Policy 3-1, and other policies of the One Plan that reference infrastructure and/or Policy 3-1. Policy 5-2(c)(iv) and Policy 12-2(b) of the Land Provisions are two of these policies.
- 3.16 My request for the purposes of the Land Hearing is that infrastructure and other important and essential facilities are referenced in a consistent manner throughout the One Plan. In paragraph 25 of Mr Percy’s rebuttal evidence, he states that “infrastructure is considered to be important or essential and it is therefore listed in Policy 5-2”. However, reading Policy 5-2, there is no reference to important or essential facilities or activities within the Policy from

which to draw this conclusion. In comparison, Policy 12-2 clearly references activities that are important or essential to the well being of the community. As another comparison, Policy 7-1A(b) references “infrastructure of regional or national importance as identified in Policy 3-1”.

- 3.17 I would also like to respond to Mr Percy’s comment in paragraph 25 of his rebuttal evidence, where he states that it is unlikely that all of NZDF’s activities would be considered to be essential or important to the well-being of the community. I disagree with Mr Percy. I consider that national security and the defence of the realm are important and essential to the well-being of the community, and therefore all of NZDF’s activities would fall into this category.

APPENDIX 4: Infrastructure-related section of
Biodiversity evidence

From “**Supplementary Statement** of Evidence of Emily Suzanne Grace for New Zealand Defence Force, **Biodiversity** Submissions on the Proposed One Plan”, dated **25 November 2008**:

4.0 Provision for infrastructure

4.1 The re-worded Biodiversity Provisions make specific reference to infrastructure, and encourage the granting of consent applications for activities that are for the purpose of providing infrastructure of regional or national importance. I refer particularly to re-worded Policy 7-1A(b)(ii) and Policy 12-6(b), which I have quoted below:

“Policy 7-1A Regulation of activities affecting indigenous biological diversity

(a) ...

(b) When regulating the activities described in subsection (a), the Regional Council shall:

(i) ...

(ii) Recognise and provide for the establishment of infrastructure of regional or national importance as identified in Policy 3-1; and ...”

“Policy 12-6 Consent decision-making for activities in Rare and Threatened Habitats

(a) ...

(b) The activities regulated by Rule 12-8 may be allowed where the activity is for the purpose of providing infrastructure of regional or national importance as identified in Policy 3-1 and ...”

4.2 As I discussed in my earlier evidence on this issue, I generally support such preferential treatment for infrastructure of regional or national importance. I also explained in my earlier evidence on this topic, and in my evidence submitted to the Hearing Panel for the Infrastructure Energy & Waste Hearing, why I think all NZDF facilities should be afforded the same preferential treatment as other infrastructure. I consider that the re-worded Policy 7-1A(b)(ii) and Policy 12-6(b) still do not adequately provide for NZDF activities.

- 4.3 The re-worded Land Provisions, on which I have recently submitted supplementary evidence, provide a similar preference for activities related to infrastructure. However, the re-worded Land Provisions make this preference in a slightly different way to the re-worded Biodiversity Provisions. The corresponding Land Provision to Policy 12-6(b) is Policy 12-2 and is as follows:

“Policy 12-2 Consent decision-making for vegetation clearance and land disturbance

When making decisions on resource consent applications ... the Regional Council shall:

- (a) ...*
- (b) Generally allow vegetation clearance or land disturbance caused by an activity that is important or essential to the well-being of local communities, the Region or a wider area of New Zealand, including, but not limited to, natural hazard management and the provision of infrastructure.”*

- 4.4 I consider that the Land and Biodiversity Provisions should be aligned and be consistent with each other where possible. In this case, I recommend that the infrastructure-related Biodiversity Provisions are reworded to align with the infrastructure-related Land Provisions. I support the use of Policy 12-2(b) as a ‘template’ as it would provide for activities that cannot fit the definition of infrastructure, but which do have the same characteristics as infrastructure that is regionally and nationally important and are therefore are also worthy of protection by the One Plan. (More detail of my reasoning is provided in my earlier evidence on this topic, and my evidence submitted to the Hearing Panel for the Infrastructure Energy & Waste Hearing.)

- 4.5 I recommend that Policy 7-1A(b)(ii) and Policy 12-6(b) are amended as follows:

“Policy 7-1A Regulation of activities affecting indigenous biological diversity

- (a) ...*

(b) *When regulating the activities described in subsection (a), the Regional Council shall:*

(i) ...

(ii) *Recognise and provide for activities that are important or essential to the well-being of local communities, the Region or a wider area of New Zealand, including, but not limited to, the provision of infrastructure ~~the establishment of infrastructure of regional or national importance as identified in Policy 3-1;~~ and ...”*

“Policy 12-6 Consent decision-making for activities in Rare and Threatened Habitats

(a) ...

(b) *The activities regulated by Rule 12-8 may be allowed where the activity is for the purpose of providing activities that are important or essential to the well-being of local communities, the Region or a wider area of New Zealand, including, but not limited to, the provision of ~~infrastructure of regional or national importance as identified in Policy 3-1 and ...”~~*