

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
WATER HEARING ON THE PROPOSED ONE PLAN**

Dated: 28 September 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 and a half 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 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, Biodiversity, Air, and Infrastructure.

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 Background and Summary of Evidence

2.1 This evidence addresses NZDF's issues to be covered by the Proposed One Plan Water Hearing. NZDF's issues relate to Chapters 6, 13, 15, 16 and the Glossary of the Proposed One Plan. These issues were identified in NZDF's original submission, and are the subject of assessments and recommendations contained in the Horizons Regional Council's Planning Evidence and Recommendations Report (Planning Report).

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. This meeting allowed NZDF to further explain its issues relating to water and provide clarification to HRC staff. NZDF also took the opportunity to have discussions with, and provide informal comments to, Natasha James on Chapter 16 in July 2009. I note that further discussions with HRC staff are likely following the submission of this evidence. The Planning Report states that the Planning Officer intends to hold further discussions with NZDF on a number of submission points. I expect to be able to add to this evidence at the hearing as a result of further discussions with HRC staff.

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. Mr Owen explained that NZDF is a large landholder within the Horizons Region and makes a significant contribution to the community, for example as a provider of community water services at Waiouru, Linton and Ohakea, and as a provider of employment. In summary, NZDF wishes to ensure

that the One Plan does not unduly restrict NZDF's nationally and internationally important functions. The protection of the ability of NZDF to undertake these functions, including training and accommodation activities, within its existing and established landholdings is very important to NZDF.

2.4 NZDF's water-related concerns cover four main issues, as follows:

- (a) Ensuring that the One Plan recognises and provides for NZDF's need to take water for public water supply purposes. My evidence expresses support for the Planning Recommendations to include the reasonable needs of defence facilities within the list of 'essential takes' within Policy 6-19(b)(v) and corresponding Policy 15-5. My evidence also requests that the definition of 'public water supply' in the Glossary of the One Plan is altered so that the definition, and therefore the objectives, policies and rules that use the term, apply to NZDF public water supplies.
- (b) Ensuring that NZDF's day-to-day training activities are appropriately provided for by the One Plan and are able to be undertaken within NZDF's existing landholdings. My evidence expresses support for the Planning Recommendation to include an exception to Rule 13-25 for discharges to land of live ammunition for military training purposes, meaning that this can be undertaken without the need for a resource consent. My evidence also requests that provision is made within the Chapter 16 Rules to allow for the erection, use and removal of temporary bridges for the purposes of military training as a permitted activity.
- (c) Changing the 'per-property' qualification of the discharge and take rules to a qualification that more appropriately controls the effects of discharges and takes. My evidence explains that the per-property qualification for the rules is not an equitable or reasonable way to control the effects of discharges or water takes.
- (d) That the ability of NZDF to be able to 'renew' its right to dam the Waiouru Stream and take water for water supply purposes is not compromised by provisions to protect the values of the Hautapu River and its tributaries. This outcome was the intent of the Local Water Conservation (Hautapu River) Notice.

My evidence expresses some concern that this intent may not be reflected in the core allocation set for the Rang 2f Water Management Sub-zone, and may not be reflected in the rules relating to dam structures and damming of water.

3.0 Need to Take Water for Public Water Supply Purposes

- 3.1 NZDF provides community water services at its Waiouru, Linton and Ohakea facilities, and also to the adjacent civilian community at Waiouru. NZDF therefore requests that the Proposed One Plan makes similar provisions for providing these services as it does for other public water supply services.
- 3.2 This section of my evidence relates to NZDF's submissions points on Policy 6-19 in Chapter 6 of the Proposed One Plan (Apportioning, restricting and suspending takes in times of low flow). It also relates to NZDF's submission point on the definition of 'public water supply' in the Glossary. These submission points are the subject of Planning Recommendations WTR 41 and WTR 179 respectively.

Policy 6-19

- 3.3 NZDF's submission asked for Defence Facilities to be included in the list of 'essential takes' in Policy 6-19(b)(v). This policy states that during times of low flow, water takes required to meet the reasonable needs of the listed facilities shall be allowed to continue regardless of river flow.
- 3.4 The Planning Recommendation is to include defence facilities within the policy, as defence facilities are similar to the other facilities listed in the policy, such as schools and education facilities. I support this recommendation. I consider that it is important for NZDF to be able to take water to support its communities during times of low flow, in the same way that it is important for the other facilities listed, such as schools. I also consider that this recommendation is consistent with Objective 6-3, which states that in times of water shortage, takes are restricted to those that are essential to the health or safety of people and communities and those for drinking water. NZDF's role as a provider of water supply sits clearly within the intent of this objective.

- 3.5 The officer has also recommended (Recommendation WTR 116) that defence facilities are included in Policy 15-5(b), which is the corresponding policy within Chapter 15 (Takes, Uses and Diversions of Water, and Bores). This policy directs priority for allocating water when resource consents are reviewed or expire. I support this recommendation as it maintains consistency within the Proposed One Plan.
- 3.6 I recommend that the Hearing Panel accepts the Planning Recommendations WTR 41 and WRT 116 as they apply to NZDF's submission points.

Public water supply definition

- 3.7 NZDF's submission requested that the phrase "on separate titles" be removed from the definition of 'public water supply'. This is because the use of this phrase would result in much of NZDF's water supply services being excluded from this definition as 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. I note that NZDF services would meet the servicing requirement of at least 1500 person days per year.
- 3.8 The definition, as notified, 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).”

- 3.9 The Planning Officer has recommended no changes to this definition.
- 3.10 I consider that NZDF water supply services should be included within this definition. They supply large communities within NZDF land (approximately 5000 people), and at Waiouru they also supply the civilian community.
- 3.11 I consider that there is no basis for treating NZDF water supply services differently from other community supplies within the Proposed One Plan. For example, I consider that an application for a replacement consent for an NZDF water take for community supply

purposes that is due to expire, should be given the same priority under Policy 15-5(b) as other public water supplies. I therefore consider that the definition should be amended so that it does not exclude NZDF services.

- 3.12 I consider that the most appropriate way to achieve this is to remove the term ‘on separate titles’ from the definition. I consider that the most important aspect of a public water supply should be the number of people it serves. In my opinion, the requirement for the supply to connect at least two buildings on separate titles is not necessary for the definition. 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.
- 3.13 I recommend that the definition be altered as follows (addition shown in underline, deletion shown in ~~striketrough~~):

“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).”

- 3.14 I note that I provided evidence on this definition at the General Hearing for the One Plan, under the topic of Infrastructure. This section of my evidence is consistent with that evidence.

4.0 Providing for NZDF Training Activities

- 4.1 NZDF wishes to ensure that the One Plan makes appropriate provisions for its nationally strategic and essential training activities. I consider that it is reasonable for activities that have de minimis effects on the environment that do not extend beyond the boundary of the property, and where the activity is for regionally and nationally important military training, to be undertaken as permitted activities.

4.2 This section of my evidence relates to NZDF's submissions points on Rule 13-25 in Chapter 13 of the Proposed One Plan (Discharge of contaminants to land that will not enter water). It also relates to NZDF's submission request that Chapter 16 includes a rule to provide for the erection, use and removal of temporary bridges for the purposes of military training as a permitted activity. These submission points are the subject of Planning Recommendations WTR 108 and WTR 135 respectively.

Discharges of live ammunition

4.3 NZDF's submission requested exceptions within Rule 13-25 (generic permitted rule for discharges of contaminants to land in circumstances where it will not enter water), so that military training using live ammunition can be undertaken without having to comply with the standards relating to activities within rare and threatened habitats (Waiouru Military Training Area), and on slopes greater than 20°.

4.4 The Planning Recommendation (WTR 108) is to include an exception for discharge of live ammunition to land, and to apply the exception to the entire rule. The result of this is that the discharge of live ammunition to land for NZDF purposes, where the ammunition will not enter water, can be undertaken without the need for a resource consent.

4.5 I support this recommendation. The exception provides for an essential activity undertaken by NZDF. It allows the continued use of the Waiouru Military Training Area, which, while it contains many slopes steeper than 20 degrees as well as at-risk habitat, it is an area that cannot be replaced within New Zealand. I note however that the recommendation would allow for a very specific exception that allows a very specific activity and is therefore not open to misuse by other parties. It is also consistent with exceptions recommended by HRC Officers in other chapters of the Proposed One Plan.

4.6 I recommend that the Hearing Panel accept the Planning Recommendation WTR 108 as it applies to NZDF's submission point.

Temporary bridges for military training purposes

4.7 NZDF's submission requested that a new rule be included in Chapter 16 that permitted

the erection, use and removal of temporary bridge structures for the purposes of military training. This activity is an important part of NZDF training activities. Temporary bridges are constructed, left in place for only a number of days, and are then removed. These bridges may span the riverbed entirely, but often have a footing in the riverbed, although not within the wetted area of the riverbed.

- 4.8 The Planning Recommendation (WTR 135) is to reject this submission point. The Officer's reasoning for this recommendation includes that there is no appropriate code of practice to govern this sort of activity that could be used as a condition for such a permitted activity, and also that she is reluctant to include an exception specifically for one organisation in a certain part of the region. She also notes that bridges that do not have a foot within the riverbed are permitted by other rules in Chapter 16.
- 4.9 I acknowledge that Rule 16-12, as proposed to be amended by the HRC Officers, would permit bridges located entirely *over* a riverbed, and Rule 16-7 would allow for the removal or demolition of bridges entirely *over* a riverbed as a permitted activity. However, as stated above, NZDF temporary bridges erected for training purposes often are required to have a footing within the riverbed.
- 4.10 NZDF considers that the need to seek consent every time a bridge is proposed to be constructed will be logistically and administratively difficult, and contrary to NZDF's responsibility to train military personnel often in a reactive situation.
- 4.11 It is my opinion that it is appropriate for Chapter 16 to provide for temporary bridges that have a foot within the riverbed for military training purposes as permitted activities. While I acknowledge there may be some riverbed disturbance during construction, such bridges remain in place for a short number of days. Therefore, from this point of view, any effects they have are only extremely temporary. I consider that such temporary effects can be appropriately controlled by permitted activity conditions. I do not consider that it is necessary for a code of practice to control these effects.
- 4.12 I do not consider that a new rule needs to be introduced to provide for the construction, use and removal of temporary bridges with a footing within the riverbed. Appropriate permitted activity standards for controlling the effects of these structures already exist in

Section 16.2 of Chapter 16 (including controls on sediment discharge from bed disturbance). Rule 16-12 (construction of bridges) and Rule 16-7 (demolition of structures) already provide for similar activities and require compliance with the conditions in Section 16.2. I consider that minor amendments to Rules 16-12 and 16-7 can appropriately provide for temporary bridges with a footing in the riverbed.

4.13 Given the temporary nature of the temporary bridge structures, I do not consider that it is appropriate or reasonable for such bridges to be subject to the following conditions of Rule 16-12:

(b) restriction of the catchment size above the bridge

(c) restriction on the area of the bed that can be occupied.

4.14 Similarly, given the temporary nature of the bridge structures, I do not consider that it is appropriate or reasonable for such bridges to be subject to condition (b) of Rule 16-7, which requires that the Regional Council is informed in writing of the removal or demolition of any structure at least 10 working days prior to the commencement of removal or demolition. It is quite likely that a bridge would be constructed and demolished in less than 10 working days and, as previously stated, training needs to be flexible to maximise the opportunity to reflect realistic combat situations. This would make compliance with this condition very difficult.

4.15 In order to ensure that temporary bridges comply with the standards in Section 16.2 of Chapter 16, but are excluded from the three conditions identified above, I recommend that an exclusion is added to the three conditions. I set out below an example of such an exclusion, using condition (b) of Rule 16-12 as an example:

“(b) For bridges and other access structures, except fords and temporary bridges for military training purposes removed within 2 weeks of being constructed, located in or on the bed of a river or lake, the catchment area above the structure shall be no greater than 200 hectares.”

4.16 I consider that a specific exception for this particular activity is appropriate, given the minimis effects of the activity and that they are undertaken for nationally and

internationally important military training purposes. Such an exception is also consistent with other exceptions proposed by HRC Officers, and included in the Provisional Determinations for the Land and Biodiversity Hearing, for NZDF activities in other chapters of the One Plan.

5.0 “Per-Property” Qualification for Rules

5.1 This section of my evidence relates to NZDF’s submission points on the Proposed One Plan’s use of a “per-property” qualification for standards for discharges to land (Chapter 13) and takes of surface water and groundwater (Chapter 15). These submission points are the subject of Planning Recommendations WTR 108 and WTR 111 respectively. I note that the Planning Officer does not provide a specific recommendation on these submission points. Rather, she acknowledges the issue that NZDF raises and undertakes to discuss the matter further with NZDF. My intention in this section of my evidence is to expand on the reasons provided in NZDF’s submission and suggest possible alternatives for the qualification of the rules. I expect to have further discussions with the HRC Officers on this matter and then present further evidence at the hearing.

5.2 I note that I have previously presented evidence on the use of a “per property” qualification at the Land and Biodiversity Hearing, in the context of vegetation clearance and land disturbance activities.

5.3 I consider that a per-property qualification for a rule regulating discharge of contaminants to land, or a rule regulating water takes, is not effects-based and is therefore not reasonable or equitable. It does not achieve any consistent or regular control of effects as a property is an irregular quantity and subdivision constantly changes the number and sizes of properties.

5.4 A per-property qualification makes no reference to the ability of the surrounding area (in the case of discharge to land) to absorb effects. In the case of surface and groundwater takes, it makes no reference to the effect of the take on the quantity and quality of the waterbody from which the take is made.

5.5 The use of a per-property qualification can also result in nonsensical outcomes that are

not equitable to resource users and do not adequately protect the resource itself. For example, in the case of surface water takes, up to 15m³/d per property can be taken under Rule 15-1. This limit is the same no matter how big the property and regardless of the flow in the stream. Therefore, a situation could arise where five 2ha properties grouped close together each take 15m³/d from the same stream. If these properties are then each divided in half, there could be 10 takes of 15m³/d from the same stream. In this example the per-property qualification for the take provides ineffective control of effects on the stream. It is also inequitable as it has no relationship to the need for water.

Discharge to land (condition (a) of Rule 13-25)

5.6 NZDF's submission opposed condition (a) of Rule 13-25 and requested that a per-hectare qualification was used instead of a per-property qualification. Rule 13-25 is a generic permitted activity rule for discharges of contaminants to land where the contaminant will not enter water. Condition (a) of the rule is worded as follows:

(a) *“The rate of discharge shall be no more than 100m³/y per property”.*

5.7 For the reasons stated above, I consider that this standard would better control effects and be more equitable if it used a per-hectare qualification rather than a per-property qualification. A per-hectare qualification would better reflect the ability of the land to absorb the contaminant.

5.8 In my opinion, a quantity standard for this particular rule is not necessary. Conditions (b) to (g) appear to be sufficient for controlling the potential effects of generic discharges to land where the contaminant will not enter water. In addition, I do not consider that a quantity standard is appropriate where the particular contaminant is unknown. A discharge of 100m³ of one type of contaminant, or a particular concentration of one type of contaminant, may have quite different effects to 100m³ of another type of contaminant, or a different concentration of the same contaminant.

5.9 However, if the Hearing Panel accepts Planning Recommendation WTR 108, which is to include an exception so that Rule 13-25 does not apply to discharge of live

ammunition for NZ Defence Force purposes, then Condition (a) will not apply to NZDF's day-to-day activities and NZDF will not need to pursue this particular submission point. Should the Hearing Panel not accept Planning Recommendation WTR 108, NZDF requests that either the standard is deleted from the rule, or a per-hectare qualification is used instead of a per-property qualification.

Takes of surface water and groundwater (Condition (a) of Rules 15-1 and 15-2)

5.10 NZDF's submission requested that permitted activities standards in Chapter 15 were set in proportion to property size, rather than being based on per-property standards. There are two permitted rules that use per-property standards: Rule 15-1 (Minor takes and uses of surface water) and Rule 15-2 (Minor takes and uses of groundwater). Standard (a) of both of these rules states that rate of take shall not exceed 30 m³/d per property for surface water takes and 50m³/d per property for groundwater takes.

5.11 For the reasons stated above, I consider that these per property standards do not provide for an equitable allocation of water, and do not provide a reliable or consistent means to protect instream values.

5.12 I consider that an alternative standard based on the size of the contributing catchment within the property would be more effects-based and more equitable. The take rate for the property could be based on a per-hectare take rate for the catchment. The area of the catchment is a set value that cannot change, so a standardised permitted rate of take per hectare could be calculated that reliably protects instream values. In addition, the size of a property determines how much water it contributes to the waterbody. Allowing takes based on property size can therefore be seen as an equitable way to allocate permitted takes.

5.13 I acknowledge that this may be a simplistic proposal. However, I put it forward as a basis on which to advance discussions with HRC Officers following submission of this evidence. I expect to provide further evidence on this matter at the hearing.

6.0 Fulfilling the Intent of the Local Water Conservation (Hautapu River) Notice

6.1 NZDF held water rights to dam and take water from the Waiouru Stream for water

supply purposes prior to the gazetting of the Local Water Conservation (Hautapu River) Notice. This Notice states that “*nothing in this notice shall prevent the renewal of any water right or general authorisation which is current on the commencement of this notice*”. As resource consents cannot be ‘renewed’, but rather must be replaced when they expire, the intent of the Notice is that replacement consents be considered as if the restrictions imposed by the Notice did not exist.

- 6.2 NZDF’s submission expressed concern that the intent of the Notice has not been carried through to the Rules in Chapter 15 and Chapter 16 of the Proposed One Plan. These submission points are the subject of Planning Recommendations WTR 119 and WTR 126 (Chapter 15) and WTR 141 and WTR 142 (Chapter 16).

Chapter 15

- 6.3 Rule 15-5 (takes and uses of surface water complying with core allocations), as proposed to be amended by HRC Officers, provides for the taking of water as a controlled activity. In order to give effect to the intent of the Hautapu Notice, NZDF’s take of 63 l/s from the Waiouru Stream needs to have been factored into the setting of the core allocation for the Rang 2F Water Management Sub-zone, so that a replacement application by NZDF when the existing consent expires can be considered as a controlled activity. If this has been done, then I consider that the controlled activity status of Rule 15-5, combined with the policies within Chapter 6 and Chapter 15 regarding restricting and proportioning flows in times of water shortage, appropriately provides for the intent of the Hautapu Notice. I will seek clarification of this matter from HRC Officers prior to the Hearing.

Chapter 16

- 6.4 Rules 16-1 and 16-2, as notified, were not consistent with the intent of the Hautapu Notice as Rule 16-1 prohibited damming on rivers subject to the Hautapu Notice and Rule 16-2 made other structures and disturbance a non-complying activity.
- 6.5 The changes proposed by the Planning Officer to Rules 16-1 and 16-2 go some way to addressing NZDF’s concerns with these rules. Rule 16-1, as recommended to be amended, would now only apply to new dams on the protected rivers. This rule would

therefore not prohibit the making of an application for a replacement consent for a dam that already exists within the river. Similarly, the reference to the Hautapu River is recommended to be removed from Rule 16-2, which also addressed NZDF's initial concern with this rule. I consider that these changes are appropriate and I recommend that the Planning Recommendations regarding Rules 16-1 and 16-2 are accepted, as they relate to NZDF issues.

- 6.6 However, in order to ensure that the One Plan gives full effect to the intent of the Hautapu Notice, it is necessary to examine the rules within Chapter 16 that would apply in place of Rules 16-1 and 16-2. It appears that an application by NZDF to renew its dam structure and damming of water consents would be governed by Rule 16-5 (permitted activity) and Rule 16-9 (controlled activity). Rule 16-5 permits the use of a lawfully established dam structure, and the guide to the rule implies that the Council intends this rule will replace the need to re-consent existing dam structures. Rule 16-9 then requires a controlled activity consent for the damming of water behind the dam. I support these permissive activity statuses as I consider they do give effect to the intent of the Hautapu Notice. However, I consider that Rule 16-9 is somewhat ambiguous and difficult to interpret. I am also confused by the application of Rule 16-8.
- 6.7 Rule 16-9 requires a controlled activity consent for the damming of water behind a lawfully established dam. However, the rule heading is "*other existing dams*", which to me implies a rule about a dam structure. The conditions of this rule, and the matters for which control is reserved, govern effects not only of the damming of water (for example water levels and residual flows), but also the effects of the dam structure (for example the requirement that the dam structure include a spillway). I recommend that, at the least, the heading of the rule is changed to refer to damming of water.
- 6.8 Rule 16-8 applies to existing small dams. I am confused as to why this rule needs to apply to existing small dams, when Rule 16-5 permits the use of an existing dam.
- 6.9 It appears that it may be the intention of HRC officers to have three separate rules: one for use of a dam, one for the dam structure, and one for the damming of water. If this is the case, then while the use of NZDF's existing dam may be permitted by Rule 16-5, and the damming of water behind the dam may be a controlled activity under Rule 16-9,

the dam structure will require discretionary consent under Rule 16-20. If this is the case, I consider that first, this intention needs to be clarified within the rules, and secondly, I do not support a discretionary activity status for the dam structure, as this does not give effect to the intent of the Hautapu Notice. I expect to discuss this matter further with HRC Officers prior to the hearing.

7.0 Rule 15-4: Bore and groundwater testing

7.1 NZDF's submission requested that discharges from well "development" be provided for in Rule 15-4, which is a permitted rule for discharge resulting from bore and groundwater testing. The Planning Officer states that she is unclear what NZDF is requesting and undertakes to discuss this further with NZDF (Recommendation WTR 123).

7.2 Bore development is part of the bore construction process. It is the process of developing a natural filter pack around the well intake screen and may involve significant discharges over a period of a number of days.

7.3 I consider that it is reasonable and appropriate to provide for well development as a permitted activity, as it is an essential part of constructing a bore. I am satisfied that Rule 15-13, as proposed to be amended by Planning Recommendation WTR 134, provides for bore development, as part of bore construction, as a permitted activity. I therefore consider that there is no need for further amendment to Rule 15-4. I recommend that the Hearing Panel accept the Planning Recommendation to make Rule 15-13 a permitted activity rule.

8.0 Conclusion

8.1 NZDF requests a number of relatively minor changes to the Proposed One Plan provisions. These changes are recommended to ensure that the One Plan provides for NZDF's day-to-day regionally and nationally important activities, for the services it provides to the community in terms of water supply, that the basis of the discharge and water take rules are effects based and equitable, and that the intent of the Local Water Conservation (Hautapu River) Notice is reflected in the One Plan. These changes would not alter the general intent of the provisions; rather they would provide greater

clarity and certainty with regard to management of effects of NZDF's particular activities.

8.2 I have expressed support for a number of the Planning Officer Recommendations for the Water Chapters of the One Plan, as follows:

- WTR 41 and WTR 116, to include defence facilities within Policy 6-19(b)(v) and 15-5(b).
- WTR 108, to include an exception within Rule 13-25 for the discharge of live ammunition for military training purposes.
- WTR 141, to insert the word 'new' into Rule 16-1 (prohibited damming).
- WTR 134, to make Rule 15-13 a permitted activity (construction of bores).

8.3 I recommend that the following change to provisions of the One Plan are made to address NZDF's remaining concerns with the Water Chapters:

- To make alterations to the definition of 'public water supply' in order to recognise and provide for NZDF's public water supply functions.
- To make alteration to Rules 16-12 and 16-7 to provide for the erection, use and demolition of temporary bridges for the purposes of military training.
- To change the per-property qualification for the rules with Chapters 13 and 15.
- To give effect to the intent of the Local Water Conservation (Hautapu River) Notice, so that water permits in place prior to the commencement of the Notice are able to be replaced, notwithstanding the provisions of the Notice.

8.4 I intend to take up the offer of HRC Officers to further discuss NZDF's submission points with them. I have found discussions with Officers to-date very useful and productive. I therefore expect to be able to add to this evidence at the Hearing.

Emily Grace, 28 September 2009

