

Proposed Natural Resources Plan:

Submitter:

New Zealand Defence Force

Submitter Number:

S81



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Submission on Proposed Natural Resources Regional Plan for the Wellington Region

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1. Introduction

This is a submission on the Proposed Natural Resources Regional Plan (PNRP) for the Wellington Region, September 2015. Specifically this submission addresses provisions in the PNRP that relate to NZ Defence Force (NZDF) assets, facilities and activities within the Wellington Region.

NZDF provides for the well-being of Wellington, and the nation through meeting the Government's security objectives and international obligations, as well as through activities such as search and rescue. Defence facilities are critical for ensuring the health, safety and welfare of the nation.

A critical asset to NZDF within the Wellington region is the Trentham Military Training Camp in Upper Hutt. The Camp is the location of the Headquarters Joint Forces New Zealand and is used for various military activities. In addition to Trentham, NZDF also owns land on the Watts Peninsula and Buckle Street in Wellington City. From time to time NZDF may also undertake other activities (Temporary Military Training Activities) on land not owned by NZDF throughout the region.

NZDF's submission is set out in Table 1 below.

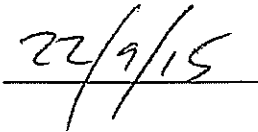
NZDF **could not** gain an advantage in trade competition through this submission.

NZDF wishes **to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.



Date



Person authorised to sign

on behalf of New Zealand Defence Force

TABLE 1: NZDF SUBMISSION

Submission Point	Provision	Support Oppose Amend	Reasons	Relief Sought
Chapter 2.2: Definitions				
1	Cleanfill <i>ool,</i>	Amend	The definition of cleanfill does not adequately distinguish between cleanfilling and earthworks operations. The current definition suggests that earthworks filling could be subject to cleanfilling rules and vice versa.	Make the necessary amendments to be clear that earthworks operations will not be subject to the cleanfill rules, and that cleanfilling will not require consent to undertake earthworks.
2	Erosion prone land	Amend	The definition of erosion prone land states 'the pre-existing slope of the land exceeds 20 degrees'. It is unclear to what extent this applies, for example, is it intended to be calculated on an area to area basis?	Amend the definition for erosion prone land to clarify how this is determined and provide guidance on its application to sites.
3	Firefighter training	Amend	A definition of firefighter training is not provided in the PNRP, which could make the interpretation of rule R3 difficult.	Add a definition of firefighter training.
4	Regionally Significant Infrastructure	Amend	International and national defence activities are a key function of the Crown and this is reflected in the national network of defence infrastructure, of which Trentham Military Camp forms a part. Through this, NZDF provides an important service to the community. Recognition of the long-term nature of NZDF infrastructure and the potential adverse effects of reverse sensitivity on these areas needs to be reflected in policy. The PNRP acknowledges the need to appropriately allow for the ongoing operation of regionally significant infrastructure and to prevent reverse sensitivity effects from new land use development. However, the PNRP does not include defence facilities in the discussions or definition of regionally significant infrastructure. As such, policies outlining the need to recognise the benefits of regionally significant infrastructure and protect it from inappropriate	Amend the definition of Regionally Significant Infrastructure to include defence facilities OR Ensure that Objectives and Policies that give recognition to the importance of "regionally significant infrastructure" are supplemented by the words "and defence facilities".

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5	Surface water bodies	Support	<p>development have not been applied to NZDF's facilities. It is important for the definition of regionally significant infrastructure to be amended to include NZDF facilities.</p> <p>We consider it is appropriate that water bodies are regulated differently depending on their flows and naturalness. However, man-made water bodies and those with very low flows (artificial drains, ephemeral flow paths) are not 'rivers' under the RMA and so should not be subject to provisions relating to river beds (section 13 of the RMA). Providing definitions of the different types of surface water bodies provides clarification in the rules.</p>	Retain the various definitions of surface water bodies to provide clarity.
6	Specified materials	Support	<p>NZDF is often required to safely dispose of excess fireworks and other pyrotechnics on behalf of a range of parties. The definition of 'specified materials' excludes the 'burning of pyrotechnics for private or public display or military training or for their authorised disposal by the New Zealand Defence Force', which is appropriate. The definition also excludes 'the burning of materials in burn boxes authorised by the New Zealand Defence Force', which is also appropriate.</p>	Retain this definition as notified.
7	Temporary Military Training Activities, & Section 5.7.2 and Rule R185 section 5.7.11	Amend	<p>The phrase Temporary Military Training Activities (TMTAs) is used in the Plan, however no definition is provided.</p>	<p>Include the following definition of Temporary Military Training Activities: "Temporary Military Training Activity means a temporary military activity undertaken for defence purposes. The term 'defence purposes' is as per the Defence Act 1990."</p>
Chapter 5.1: Air Quality				
8	Discharge to Air Rules	Amend	<p>The fuels-based approach of the air quality provisions is inconsistent with the effects-based focus of the RMA. The implications are that some activities will require consent despite not having an adverse</p>	<p>Amend the air quality rules chapter to apply an effects-based approach to managing air discharges, instead of being</p>

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			environmental effect, and activities not anticipated will require consent under the catch-all discretionary rule.	activity focussed.
9	Discharge to Air Rules	Amend	Many of the air quality rules require the discharge to not create effects outside of the property. As property is defined as 'any contiguous area of land held in one ownership', it's unclear how these rules would be applied to locations which are bisected by rivers or roads (i.e. not contiguous). Consideration should also be given to whether it's appropriate for air discharges to be assessed based on property boundaries, given it relates to effects on the environment under s15 of the RMA.	Rephrase the rules to clarify how the air quality rules would apply to 'non-contiguous' areas that are bisected by rivers or roads. For example, by inserting the statement " <i>beyond the boundary of the premises where the activity takes place</i> ".
10	Rule R3 – Outdoor burning for firefighter training	Amend	The discharge of contaminants for the purpose of firefighting training or research under the control of NZDF is a permitted activity, which is appropriate.	Retain rule as notified.
11	Rules R14 & R15 – Chemical and metallurgical processes	Amend	Spray coating both within an enclosed space and not within an enclosed space are permitted activities, subject to conditions. However, the rule covers only discharges to air, but many other rules encompass and bundle all discharges into one rule.	Bundle the rules to include discharges onto or into land where it may enter water, in addition to discharges to air.
12	Rules R25 & R26 – Dust generating activities	Amend	The rules provide for abrasive blasting either within or outside of an enclosed booth. Effective measures can be used to ensure that any abrasive blasting of lead based paint does not result in the paint being discharged to the environment, and it is appropriate that this is provided for as a permitted activity. The rules for abrasive cleaning only cover discharges to air, necessitating the application of other discharge rules that will impact on the activity status.	Bundle rules to include discharges onto or into land where it may enter water, in addition to discharges to air.
13	Rules R37 & R38 - Agrichemicals	Amend	Where discharge of agrichemicals are not permitted under Rules R36 and R37, they have discretionary activity status, which is considered overly onerous.	Amend the activity status to restricted discretionary activity, which will provide clear guidance on the matters for discretion, giving more certainty to those using agrichemicals.

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14	Rule R41 – All other discharges to air	Amend	The discharge of contaminants not otherwise provided for are subject to the catch-all discretionary rule. This could be restrictive to minor discharges to air that are not covered due to the fuels-based approach to the rules in submission point 9 above.	Amend the rules to permit minor discharges. This could be achieved by listing all discharges considered to be covered by the discretionary activity and those that are not listed are permitted, subject to fair and reasonable conditions.
Chapters 5.2 and 5.3: Discharges (Land and Water)				
15	Policy P97	Amend	This policy relates to the management of sediment discharges to surface water bodies using a source control approach. However, the definition of 'source control' does not relate well to sediment generation; and it is unclear how off-setting would be applied to applications involving sediment discharges.	Make the necessary amendments to the policy and/or definitions to address this issue. For example, removing the reference to source control approaches from this policy.
16	Section 5.2.3	Amend	The diversion of surface water runoff is restricted by s14(2) of the RMA. The PNRP does not specifically address stormwater diversion, and so it would presumably fall under the general rule for taking, use, damming and diverting water as a Discretionary Activity (Rule R135). We note that this could easily be missed by applicants. This could possibly be addressed by authorising the diversion in the stormwater discharge rules in section 5.2.3 (i.e. rule bundling).	Amend the rules in section 5.2.3 to bundle the diversion of stormwater discharges with other relevant rules. OR Provide a specific rule for stormwater diversion.
17	Section 5.2 (Discharges to water) and Section 5.3 (Discharges to land)	Amend	The rules in section 5.2 refer to the discharge of contaminants onto or into land where it may enter water, and the rules in section 5.3 refer to the discharges of contaminants to water. The overlap and interaction between these sections is unclear. For example, permitted activity condition (a) of the discharges to land Rule R69 states that the contaminant shall not enter water. If the contaminants discharged to land would also enter water, it appears consent would be required under both Rule LW.R93 (all other discharges to land) due to not meeting the permitted condition, as well as potentially under section 5.2 (discharges to	Amend the rules in sections 5.2 and 5.3 and/or insert guidance notes to clarify which rules apply.

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18	Rule R42 – Minor discharges	Support	<p>The conditions relating to this rule are generally appropriate. As the other permitted conditions appear to sufficiently control the quality of the discharge, it is appropriate to only restrict those discharges close to potable water supply bores and not to bores used for irrigation.</p> <p>The note under Rule 48 provides clarification to the application of the rules for earthworks activities, and is appropriate.</p>	Retain as notified
19	Rule R48 – Stormwater; and Rules R99 and R101 – Earthworks and vegetation clearance	Support	<p>The requirement for site investigations is consistent with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil), which is appropriate. However, it is unclear if these rules apply only to the disturbance of contaminated land, or if it applies to the long term discharges associated with contaminated land, regardless of whether disturbance or development occurs.</p>	Retain note as notified.
20	Rules R54, R55, R56 – Contaminated land and hazardous substances	Amend	<p>Temporary military training activities may discharge minor contaminants as part of the activities and it would be onerous to require resource consent. The permitted activity conditions (b) and (c) are considered appropriate. Permitted activity condition (a) for this rule states that the contaminant shall not enter water. To avoid ambiguity, it should be clear that 'water' relates to aquifers, surface water bodies and coastal water only. The condition is also very absolute (using shall not) and no allowance is made for reasonable mixing or dilution of the contaminant.</p>	Amend and clarify the applicability of these rules to different activities in relation to use of contaminated land.
21	Rule R69 – Minor contaminants	Amend	<p>No time period is specified in the permitted conditions for the discharge of cleanfill material. This could mean that the limit of 100 m³ for the discharge volume could be interpreted to be over the life</p>	Amend permitted activity control (a) to address these issues and provide clarification for users.
22	Rule R70 - Cleanfill material	Amend		Amend the permitted conditions to clarify the timeframes for cleanfilling.

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Chapter 5.4: Land Use				
23	Rule R100 – Vegetation clearance	Amend	Vegetation clearance on non-erosion prone land is not specifically listed as a permitted activity, unlike clearance on erosion-prone land. This may be an unintentional omission, however it currently implies that minor vegetation clearance requires resource consent.	Specify that vegetation clearance on non-erosion prone land is a permitted activity, subject to appropriate conditions.
24	Policy P27	Amend	The policy framework for natural hazards requires use and development in high hazard areas (including beds of rivers) to be avoided. There is a list of exemptions to this policy, but they all have to be met. The definition of “high hazard areas” includes “the beds of lakes and rivers”. This is overly conservative and results in an overly restrictive planning framework for works in small waterways.	Amend the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard, rather than inappropriately capturing all river beds and margins. AND modify the policy framework to be less absolute in terms of restrictions (e.g. replace the term avoid, and/or refer to ‘inappropriate development’).
Chapter 5.5: Wetlands and beds of lakes and rivers				
25	Rule R114 – River crossing structures	Amend	The river crossing structures rule permits small bridges, but it is not clear how to determine what is considered a ‘small bridge’. No provision is made for temporary structures.	Amend the rule to clarify how a “small bridge” is defined. It is appropriate to provide for temporary structures in river beds, for consistency with other regional plans across the country.
26	Rule R117 – New structures	Amend	This Rule for new structures lists some specific structures that are anticipated, but noticeably stormwater outlets and erosion protection structures are not mentioned and there is no specific policy directing their appropriateness. These are common and important in-stream structures so should be specifically provided for.	Make the necessary amendments to this rule to specifically provide for stormwater outlets and in-stream erosion protection structures.

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27	Rule R121 – Maintenance of drains	Amend	The permitted conditions for maintenance of drains and highly modified river or stream includes a 3 month stand-down period between maintenance of both sides of the drain. Reasoning behind this timeframe is not clear and could impact on the regular maintenance of important infrastructure and watercourses.	Amend the permitted activity conditions under this rule to allow for appropriate maintenance of drains and highly modified rivers or streams.
Chapters 7-11: Waitua Chapters				
28	Waitua Chapters and section 2.1.5	Amend	NZDF has concerns regarding the workability of these chapters, and their integration with the NRP as a whole. As they currently stand these chapters result in uncertainty throughout the Plan. The note under each rules section in this chapter states that the rules in the Waitua Chapters and Chapter 5 both apply equally. These provisions are unclear, do not reconcile with the requirements of chapter 5, and could prove difficult for users to work with. Under these chapters, any take and use of water from any river or groundwater requires consent, regardless of whether the take is permitted in the general rules of chapter 5.	Make the necessary amendments to both section 2.1.5 and the individual chapters, to clarify how these chapters integrate with the rest of the PNRP. Provide for small water takes with negligible effects to be provided for as a permitted activity.
29	Chapter 8 – Wellington Harbour and Hutt Valley Waitua	Amend	The Trentham facility is in the Wellington Harbour and Hutt Valley Waitua, and if the specified limit is exceeded the activity becomes prohibited. A prohibited status is absolute, and not a routine activity status; it should be backed with strong evidence of its necessity including justification. In this instance, the prohibited status would prevent small or strategically important water takes which can be used for operation and/or training activities. We consider that such a restriction is unintended and inappropriate.	Change the prohibited activity status to a lesser status such as non-complying, which would allow for resource consent to be applied for but still enable a high standard of assessment, and gateway tests to be passed. Small and strategically important takes (for example for training activities) should be appropriately provided for as permitted activities.
30	Chapter 8 – Wellington Harbour and Hutt Valley Waitua – Rule WH R1	Amend	The combination of surface water and groundwater in one rule may create difficulties for assessing compliance, and the permitted conditions may not be relevant to all activities; for example, conditions relating to flows above median river flows are unlikely to	Provide separate rules for surface and groundwater takes to ensure clarity for users. Amend the model in Schedule Q to

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			<p>be relevant to groundwater take applications (especially aquifers not directly connected to surface water).</p> <p>The model required to demonstrate reasonable and efficient use for irrigation (Schedule Q) appears onerous and difficult to demonstrate.</p>	<p>increase its usability.</p>