PROPOSED FRESHWATER REFORMS

1. The New Zealand Defence Force (NZDF) wishes to provide feedback on ‘Action for healthy waterways – A discussion document on national direction for our essential freshwater’ (Freshwater Proposals) (discussion document). At this stage, this feedback is not intended to be a formal submission, but NZDF wishes to align with the public consultation phase. NZDF would welcome the opportunity to discuss its feedback with the Ministry for the Environment.

Background

2. NZDF operates a number of Defence facilities across New Zealand. These facilities are nationally important infrastructure and they play a significant role in both military training and civil and/or national defence operations. In order to provide for the continued operation of these facilities and to support surrounding communities, NZDF is required to undertake a range of activities that have the potential to be impacted by the Freshwater Proposals. Such activities include taking water for potable and non-potable uses and the discharging of treated wastewater.

3. NZDF also undertakes a range of temporary military training activities (TMTA) throughout New Zealand. TMTAs can involve the operation of deployable (portable) water treatment units, temporary structures in watercourses and small-scale water takes.

4. This feedback discusses NZDF’s interests in relation to the Freshwater Proposals, particularly regarding potential implications on Defence operations and activities. NZDF wishes to ensure that its activities are not unduly constrained, in that it is still able to meet its obligations under the Defence Act 1990.

5. NZDF’s feedback on specific objectives and policies in the draft National Policy Statement – Freshwater Management (NPS-FM) and the proposed National Environmental Standards – Freshwater Management (NES-FM) is provided in Table 1 attached to this letter (Attachment 1). Feedback on other proposals contained in the discussion document is set out in the body of this letter.
Recognition and protection of Nationally Significant Infrastructure

6. NZDF requests that Nationally Significant Infrastructure is recognised and provided for in the Freshwater Proposals, specifically in any proposed NPS and NES and any documents prepared under them. Appropriate recognition includes providing a definition for Nationally Significant Infrastructure that explicitly includes ‘Defence facilities’. It also requires a policy framework that recognises the importance of Nationally Significant Infrastructure and the need for it to discharge wastewater and to take, use and locate in freshwater, in certain circumstances.

7. For example, Appendix 1B of the NPS-FM sets out the additional values that a regional council must consider when determining what values apply to each freshwater management unit (FMU) in its region. NZDF supports potable water supply and commercial and industrial use being included in this list, however it is not clear why Nationally Significant Infrastructure, which provides for New Zealand’s long-term economic performance and social well-being, has not been listed.

Temporary Military Training Activities

8. NZDF undertakes TMTA in a range of locations throughout New Zealand, in order to fulfil its statutory obligations under the Defence Act 1990. TMTAs could involve the construction of temporary bridges over watercourses, temporary dams or the temporary take, use and discharge of water associated with the use of water treatment units, and minor disturbance of a river bed to hand dig a small pool to facilitate placement and operation of the pump inlet for those units.

9. The Freshwater Proposals should include provision for TMTA in a way that provides certainty that such activities can take place when required. One example of this is including provision in the NPS-FM that allows for small, short-term water takes, where the taking or use of that freshwater will not have an adverse effect on the environment.

Further national direction on wastewater and stormwater

10. The discussion document sets out that a new Wastewater NES is proposed that would prescribe requirements for setting consent conditions on discharges from wastewater treatment plants and engineered overflow points. NZDF would like to further understand how the minimum treatment standards or limits would be derived and the timeframes to implement these. NZDF is interested in whether such national standards would take into account the type of discharge (e.g to water or land), the state of the existing environment and how they would impact on existing consents.

11. There is also a proposed new obligation to require wastewater and stormwater network operators to prepare risk management plans and to report annually on a set of nationally-prescribed environmental performance measures, to the community and a regulatory agency. Any risk management plan or annual report
required would need to be proportionate to the particular network that it relates to. NZDF would also like the opportunity to input into any national guidance on water sensitive design and green infrastructure, as it is being developed.

12. The discussion document sets out that the Ministry for the Environment will be working with stakeholders to further develop these proposals. NZDF welcomes the opportunity to engage with the Ministry, in order to ensure the regulation is proportionate to the particular network targeted and that Defence facilities are specifically recognised and provided for.

**Connections with other National Policy Statements and national direction**

13. NZDF considers it essential that the national policy documents currently under development are consistent with and complement each other.

**Closing comments**

14. NZDF wishes to engage with the Ministry for the Environment further in relation to the development of the Freshwater NES and NPS-FM prior to these being finalised and released, as well as the other proposals set out in the discussion document, as signalled above. Please contact Lucy Edwards on 021934270 or by email at lucy.edwards@nzdf.mil.nz.

Yours faithfully

Personal details removed

*Senior Environmental Officer*
*Defence Estate and Infrastructure*
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<thead>
<tr>
<th>Point</th>
<th>Provision</th>
<th>Comments / feedback</th>
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<tbody>
<tr>
<td>NPS-FM</td>
<td>Section 1.6 Definitions</td>
<td>The term Nationally Significant Infrastructure is used in the NPS-FM but is not defined. A definition of Nationally Significant Infrastructure that includes Defence facilities should be included.</td>
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<tr>
<td>2.</td>
<td>Policy 13 / new policy</td>
<td>Objective 2.1 (c) ensures that resources are managed in a way that prioritises the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future. Although Policy 13 provides for communities’ economic wellbeing, there is no policy that explicitly enables communities to provide for their social wellbeing. Further, there is no policy that specifically recognises the importance that Nationally Significant Infrastructure plays in providing for the social and economic wellbeing of communities. Nationally Significant Infrastructure is vital in providing for the social and economic well-being of people and communities, and a policy should be included specifically recognising this.</td>
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<tr>
<td>3.</td>
<td>Clause 3.12</td>
<td>Clause 3.12 directs regional councils to identify take limits in order to meet environmental flows and levels. This clause should provide for small, short-term water takes where the taking or use of that freshwater will not have an adverse effect on the environment, in order to allow for NZDF to operate portable water treatment units for the purpose of temporary military training.</td>
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<td>4.</td>
<td>Clause 3.17 (3)</td>
<td>Clause 3.17 (3) sets out the matters that a Regional Council must have regard to when considering an application for consent for an instream structure. From time to time NZDF is required to construct instream structures both within its camps and bases and for the purposes of TMTA. The Regional Council should also be required to have regard to whether the structure is being constructed for Defence purposes.</td>
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<td>5.</td>
<td>Subpart 4 - Exceptions</td>
<td>The exception solely for large hydro schemes made under Subpart 4 seems arbitrary. This is also inconsistent with the NES-FM (where other significant infrastructure and activities are</td>
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recognised and provided for in the rule cascade). It must be recognised that Defence facilities play a significant role in both military training and civil and/or national defence operations, and this needs to be appropriately provided for. All Nationally Significant Infrastructure should be exempt under this clause.

| 6. | Appendix 1B: Other values that must be considered | Commercial and industrial use, potable water supply and hydro-electric power generation are included in Appendix 1B as values that must be considered when a Regional Council is identifying the values that apply to each FMU. Nationally Significant Infrastructure is vital for protecting New Zealand’s long-term economic performance and social well-being and should also be included in Appendix 1B. |

**NES-FM**

| 7. | Definition of Nationally Significant Infrastructure | The definition of ‘Nationally Significant Infrastructure’ does not include defence facilities. Defence facilities are critical for New Zealand’s security and for the safety and well-being of the community. As such, they should be identified as Nationally Significant Infrastructure. |