

From: [Alex Gifford](#)
To: [RPS](#)
Subject: PORPS further submission
Date: Friday, 12 November 2021 1:36:17 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[ATT00001.png](#)
[12.11.21 NZDF further submission Otago RPS - Final.pdf](#)

Hi there

Please find attached a further submission on behalf of NZDF.

Cheers,
Alex

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BRP(hons), MNZPI

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Further submission on the notified proposed Otago Regional Policy Statement 2021

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

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The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Defence facilities are key strategic infrastructure of national and regional importance, playing a significant role in both military training and civil and/or national defence operations, and are essential to enabling NZDF to fulfil its obligations under the Defence Act 1990. They also play an important role in supporting search and rescue operations and infrastructure support capabilities (for example deployment of water purification and supply facilities as used in the aftermath of the Christchurch earthquakes).

Within Otago, there is currently an Army Battalion Headquarters in Dunedin, HMNZS Toroa naval reserves centre in Dunedin, and a rifle range at Waitati. There is also potential for NZDF to need larger or additional facilities in Otago in the future.

NZDF may also undertake temporary military training activities (TMTA) in the region from time to time. NZDF undertakes TMTA across the country as part of its function of maintaining its operational capacity and nation's security, as well as providing for the well-being, health and safety of communities.

It is necessary for existing and any future defence facilities and activities to be recognised and accommodated in the provisions of the Regional Policy Statement (RPS).

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest¹ and also has an interest in the Otago Regional Policy Statement that is greater than the interest the general public has.

A detailed further submission is attached.

NZDF **does** wish to be heard in support of its further submission. If others make a similar further submission, NZDF will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.



date 12/11/21

Person authorised to sign
on behalf of New Zealand Defence Force

¹ Set out in section 5 of the Defence Act 1990

Attachment 1: NZDF further submission table

#	Original Submitter's Name	Number	Support or Oppose	Section Reference	Reason for support or opposition	Decision Sought
<i>Interpretation</i>						
1	New Zealand Infrastructure Commission	00321.004	Support	TERP – Definitions: Infrastructure	The proposed inclusion of defence facilities within the definition is supported. A specific format for the inclusion has not been proposed. An efficient means of including defence facilities is to include nationally significant infrastructure and regionally significant infrastructure within the definition of “ <i>infrastructure</i> ” as proposed in NZDF original submission.	Amend the proposed definition as follows: “ <i>has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below), and also includes <u>nationally significant infrastructure</u> and <u>regionally significant infrastructure</u>”.</i>
2	Aurora Energy Limited	00315.006	Oppose	TERP – Definitions: Infrastructure	The definition of ‘infrastructure’ in the proposed RPS repeats the definition contained in the RMA. However, the RMA definition does not explicitly encompass all of the infrastructure included in the proposed RPS definitions of “ <i>nationally significant infrastructure</i> ” and “ <i>regionally significant infrastructure</i> ” (e.g. ‘defence facilities’). Therefore, the definition should not be retained as notified. For clarity the definition should include “ <i>nationally significant infrastructure</i> ” and “ <i>regionally significant infrastructure</i> ”	Reject the submitters relief as sought and amend the proposed definition as follows: “ <i>has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below), and also includes <u>nationally significant infrastructure</u> and <u>regionally significant infrastructure</u>”.</i>
3	PowerNet Ltd	00511.009	Oppose	TERP – Definitions: Infrastructure	As per row 2 above.	As per row 2 above.
4	New Zealand Infrastructure Commission	00321.005	Support	TERP – Definitions: Nationally significant infrastructure	NZDF supports the inclusion of defence facilities within this definition as defence facilities, including those in the Otago region, form part of a network of nationally important infrastructure, playing a significant role in both military training and national defence operations. A specific format for the inclusion has not been proposed.	Amend the definition of ‘nationally significant infrastructure’ to include defence facilities. For example, either: (a) adopt the definition of ‘Nationally significant infrastructure’ in the Urban Development Act 2020 (UDA); or (b) amend the proposed definition

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						as follows: <i>"has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 (as set out in the box below), and also includes defence facilities"</i>
5	Contact Energy Limited	00318.002	Oppose	TERP – Definitions: Nationally significant infrastructure	The request to retain the definition as notified, which does not include defence facilities, is opposed. Defence facilities, including those in the Otago region, form part of a network of nationally important infrastructure, playing a significant role in both military training and national defence operations. The inclusion of <i>"defence facilities"</i> will provide defence facilities with the policy support and protection that is appropriate given it's regional and national importance. This is consistent with the current direction of the Partially Operative Otago RPS 2019, as Policy 4.3.2 requires the national significance of defence facilities to be recognised.	Reject the submitters relief as sought and include <i>"defence facilities"</i> within the definition of nationally significant infrastructure as outlined in row 4 above.
6	Dunedin International Airport Limited	00316.001	Oppose	TERP – Definitions: Nationally significant infrastructure	As per row 5 above.	As per row 5 above.
7	Queenstown Airport Corporation	00313.002	Oppose	TERP – Definitions: Nationally significant infrastructure	As per row 5 above.	As per row 5 above.
8	Trustpower Limited	00311.002	Oppose	TERP – Definitions: Nationally	As per row 5 above.	As per row 5 above.

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				significant infrastructure		
9	Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.011	Neutral	TERP – Definitions: Regionally significant infrastructure	The submitter has proposed “(8) <i>defence facilities for defence purposes in accordance with the Defence Act 1990</i> ”. NZDF does not consider the amendment necessary as the notified definition is already clear in meaning in relation to defence facilities, but it is not opposed.	Neutral (i.e. retain existing definition or accept the submitters relief in relation to clause 8).
10	Fonterra Co – operative Group Limited	00213.005	Support	TERP- Definitions: Reverse sensitivity	NZDF supports the inclusion of a definition for reverse sensitivity.	Accept the submitters relief as sought or words to similar effect.
11	Waka Kotahi NZ Transport Agency	00305.005	Support	TERP- Definitions: Reverse sensitivity	NZDF supports the inclusion of a definition for reverse sensitivity.	Accept the submitters relief as sought or words to similar effect.
<i>EIT – Energy, infrastructure and transport</i>						
12	Aurora Energy Limited	00315.043	Support	EIT – INF – O4	The intent of the objective is to be enabling towards infrastructure provision. However, the inclusion of “ <i>within environmental limits</i> ” is not defined within the plan and there is uncertainty as to what environmental limits apply. It is important that this objective remains supportive towards infrastructure provision. Direction on environmental limits is better provided through the policy direction in other chapters (e.g. ECO).	Accept submitters relief as sought and delete “within environmental limits”.
13	Chorus, New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand	00310.004	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.
14	Contact Energy Limited	00318.031	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.

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15	Network Waitaki Limited	00320.023	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.
16	Port of Otago Ltd.	00301.032	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.
17	PowerNet Ltd	00511.023	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.
18	Transpower New Zealand Limited	00314.033	Support	EIT – INF – O4	As per row 12 above.	As per row 12 above.
19	Queenstown Airport Corporation	00313.015	Support in part	EIT – INF – O4	As per row 12 above.	Accept submitters relief as sought as it relates to the deletion of “ <i>within environmental limits</i> ”.
20	New Zealand Infrastructure Commission	00321.051	Support in part	EIT – INF – O4	As per row 12 above.	Accept submitters relief as sought as it relates to the deletion of “ <i>within environmental limits</i> ”.
21	Director-General of Conservation	00137.102	Oppose	EIT – INF – O4	The submitter has sought that the objective be amended to ensure that “ <i>the adverse effects are required to be minimised in all cases</i> ”. The intent of the objective is to enable infrastructure. Direction on how the adverse effects from infrastructure are to be managed is provided in other chapters (e.g. ECO).	Reject submitters relief as sought.
22	Aurora Energy Limited	00315.046	Oppose	EIT – INF – P10	The addition to “ <i>Decision making on the allocation or use of natural and physical resources must take into account the <u>functional and operational</u> needs of the nationally and regionally significant infrastructure</i> ”, unnecessarily constrains what needs can be taken into account. The policy as worded is broad and enables all needs to be considered and those that are not necessarily linked to a particular environment (e.g. health and economic needs), as the definitions of functional and operational need are. This is appropriate for enabling nationally and regionally significant infrastructure.	Reject the submitters relief as sought.
23	Queenstown Lakes	00316.004	Oppose	EIT – INF –	The request to replace the word “ <i>needs</i> ” with	Reject the submitters relief as

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	District Council			P10	"functional needs" and/or "operational needs" is opposed for the reasons outlined in row 22 above.	sought.
24	Federated Farmers of New Zealand	00239.127	Oppose	EIT – INF – P12	The requested inclusion of " <u>(3) as far as practicable, legitimate existing land uses are not adversely impacts; and</u> " is opposed. It directs RPS users to ensure that adverse effects on existing land uses be avoided as far as practicable. This will constrain the upgrade and development of nationally and regionally significant infrastructure. It is important that nationally and regionally significant infrastructure are enabled, due to the wider public good that they provide.	Reject submitters relief as sought.
25	Dunedin City Council	00139.167	Support	EIT – INF – P15	NZDF agrees with the intent of this submission point, in that the wording "seek to avoid" is unclear as to the extent that reverse sensitivity effects are to be avoided. However, NZDF proposes a different wording to that of the submitter.	Accept in part the submitters relief, but amend the policy as follows: " Seek to Avoid the establishment of, or expansion of existing, activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.
26	Federated Farmers of New Zealand	00239.129	Oppose	EIT – INF – P15	The proposed change of the policy title, being " Protecting <u>Recognising and providing for nationally or regionally significant infrastructure</u> " is opposed. It is important that clear direction is given that nationally and regionally significant infrastructure is to be protected. This aligns with the use of the term "avoid" in the policy. The proposed addition of "To the extent	Reject the submitters relief as sought and adopt the policy wording above.

#	Original Submitter's Name	Number	Support or Oppose	Section Reference	Reason for support or opposition	Decision Sought
					reasonably practicable, seek to avoid..." creates uncertainty as to the extent that reverse sensitivity effects are to be avoided. Nationally and regionally significant infrastructure should be protected from reverse sensitivity effects given its importance.	
27	Horticulture New Zealand	00236.079	Oppose	EIT – INF – P15	As per row 26 above.	As per row 26 above.
28	New Zealand Infrastructure Commission	00321.059	Support in part	EIT – INF – P15	The submitter has sought to change "seek to avoid" to "avoid to the extent reasonably possible". The removal of "seek to" is supported as it removes uncertainty as to the extent that reverse sensitivity effects are to be avoided. The addition of "to the extent reasonably possible" is not supported as it is unclear what "reasonably possible" may mean and does not provide NZDF certainty that its existing operations will be protected from reverse sensitivity effects.	Amend the policy as follows: "Seek to aAvoid, the establishment of, or expansion of existing, activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.
29	Queenstown Lakes District Council	00138.121	Oppose	EIT – INF – P15	The submission point to replace the word "protecting" in the title with an alternative word or so it refers to "reverse sensitivity" is opposed. It is important that clear direction is given that nationally and regionally significant infrastructure is to be protected. This aligns with the use of the term "avoid" in the policy.	Reject the submitters relief sought and retain the policy title as notified
30	Transpower New Zealand Limited	00314.036	Support	EIT – INF – P15	NZDF supports the strengthening of the policy through the removal of "seek to" as this provides clear direction that reverse sensitivity effects on nationally and regionally significant infrastructure are to be avoided. NZDF supports the inclusion of "[...] or expansion of existing, activities [...]" as this	Accept the submitters relief as sought, or amend the policy as follows: "Seek to aAvoid, the establishment of, or expansion of existing, activities that may result in reverse sensitivity effects on nationally or

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					<p>provides clarity that that policy relates to new and expanding activities.</p> <p>The submitter has also sought the removal as follows - <i>"Avoid the establishment of activities [...] where they may compromise the functional or operational needs of nationally or regionally significant infrastructure"</i> and to replace this with <i>"avoid adverse effects"</i> more generally which will capture all adverse effects, including those on functional and operational needs. This is supported.</p>	regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.
31	Z Energy Limited, BP Oil NZ Limited, Mobil Oil NZ Limited	00510.042	Support	EIT – INF – P15	The submission to strengthen the direction of the policy by removing <i>"seek to"</i> is supported as it removes uncertainty as to the extent that reverse sensitivity effects are to be avoided	<p>Accept the submitters relief as sought and amend the policy as follows:</p> <p>"Seek to a <i>Avoid, the establishment of, or expansion of existing, activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.</i></p>
<i>CE – Coastal Environment</i>						
32	Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.058	Oppose in part	CE – P8	<p>NZDF opposes the inclusion of the wording: <i>"Apart from emergency vehicles, vehicle access and use on beaches, foreshore and seabed is only provided for at: (1) identified locations required for boat launching, as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities,</i></p>	Reject the submitters relief sought relating to the use of vehicles on beaches or otherwise ensure vehicle use associated with TMTA are appropriately provided for.

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					<p><u>(2) Identified areas and times for recreational vehicular use."</u></p> <p>NZDF may be required to operate vehicles on beaches as part of Temporary Military Training Activities (TMTA). TMTA are undertaken to ensure NZDF personnel are trained and ready for real world scenarios. Being unable to undertake training operations on beaches within the Otago region may restrict TMTA.</p>	
<i>UFD – Urban form and development</i>						
33	Fulton Hogan Limited	00322.036	Support	UFD – O2	NZDF agrees that the avoidance of reverse sensitivity effects should be an objective for urban development.	Accept the submitters relief as sought.
34	Fulton Hogan Limited	00322.037	Support	UFD – O3	Reverse sensitivity needs to be recognised as a key issue to be addressed through strategic planning for urban development. This is especially important for, but not limited to, nationally and regionally significant infrastructure.	Accept the submitters relief as sought.
35	Meridian Energy Limited	00306.075	Support	UFD – O3	As above.	<p>Accept the relief sought by Fulton Hogan in submission 00322.037 OR accept the submitters relief with the following amendment:</p> <p>(3) the potential for reverse sensitivity effects on nationally and regionally significant infrastructure is are avoided; and</p>
36	Fulton Hogan Limited	00322.039	Support	UFD – P1	As above.	Accept the submitters relief as sought.
37	Meridian Energy Limited	00306.077	Support	UFD – P1	As above.	<p>Accept the relief sought by Fulton Hogan in submission 00322.039 OR accept the submitters relief with the following amendment:</p> <p>(9) avoid the potential for reverse</p>

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						sensitivity effects on nationally and regionally significant infrastructure.”
38	Fulton Hogan Limited	00322.042	Support	UFD – P8	It is important that reverse sensitivity effects are avoided when planning for rural lifestyle and rural residential development. This is especially important for, but is not limited to, nationally and regionally significant infrastructure. The inclusion of proposed wording provides clear direction on this.	Accept the submitters relief as sought.
39	Meridian Energy Limited	00306.080	Support	UFD – P8	As above.	Accept the relief sought by Fulton Hogan in submission 00322.042 OR accept the submitters relief with the following amendment: “[...] (3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise [...] (7) avoids the potential for reverse sensitivity effects to arise on nationally and regionally significant infrastructure.”
40	Fulton Hogan Limited	00322.043	Support	UFD – M2	NZDF agrees that the term “ <i>minimise</i> ” does not reflect the potential significance of reverse sensitivity effects. In particular, new urban or rural residential activities occurring near defence facilities (e.g. the rifle range at Waitati) can result in ongoing noise complaints and jeopardise it’s operation. Replacing “ <i>minimise</i> ” with “ <i>avoid</i> ” gives greater certainty to NZDF that they will be able to continue to operate at it’s current facilities.	Accept the submitters relief as sought.