

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000247

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of
the First Schedule to the Act

BETWEEN Port Otago Limited

Appellant

AND Dunedin City Council

Respondent

**NOTICE OF REPRESENTATION AT PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

**To: The Environment Court
WX 11113 or PO Box 2069
Christchurch 8013, New Zealand
Attn: Case Manager: Christine McKee**

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (“the Oil Companies”) wish to be a party to the following proceedings:
 - 1.1 ENV-2018-CHC000247 between Port Otago Limited – Port Activities (“Appellant”) and the Dunedin City Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Second Generation Dunedin District Plan (“the 2GP”).
2. The Oil Companies lodged submissions on the 2GP on the subject matter of the proceedings.
3. The Oil Companies receive, store and distribute refined petroleum products. Within Dunedin City, the Oil Companies core activities relate to the operation and management of bulk storage facilities, aviation facilities and the operation and supply of retail and commercial outlets. The Oil Companies bulk storage facilities at Dunedin Port are infrastructure of regional and strategic importance and are critical to the functioning of the region as a whole.
4. The Oil Companies are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. The Oil Companies are interested in the following parts of the proceedings:
 - Rule 9.3.4 Hazardous Substances Quantity Limits and Storage Requirements
 - Rule 10.3.3 Setback from Coast and Water Bodies
 - Rule 8A.5.1 Earthworks – small scale
6. The reason for the Oil Companies interest in this matter is as follows:
 - 6.1 The appellant seeks the deletion of Rule 9.3.4(1)(e) so the industrial zones are not subject to Rule 9.3.4 on the basis that the hazardous substances quantity limits and storage requirements in the Industrial Port Zone are unnecessary and that HSNO and associated regulations provide sufficient control of such activities. The changes sought to the hazardous substances provisions are consistent with those sought in the Oil Companies own appeal and are supported.

- 6.2 The appellant seeks to exempt buildings, structures and earthworks associated with all port activities from the setback requirements of Rule 10.3.3. The changes sought to Rule 10.3.3 are consistent with those sought in the Oil Companies own appeal and are supported.
- 6.3 The appellant seeks to amend Rule 8A.5.1.1d so that '*Port Zone or Port Activity in the Industrial Port Zone*' are always considered 'earthworks – small scale'. The Oil Companies support the intent of the relief, but consider there is no need to limit the change to port activities in the Industrial Port Zone. The Oil Companies wharf lines and bunker lines are critical to operation of the port. However, some of these lines are not located solely in the Industrial Port Zone. BP's bulk fuel terminal at Parry Street, for example, is located in the Industrial Zone. There is no resource management reason and it would be inefficient to manage earthworks associated with the wharf and bunker lines differently on the basis of the underlying zoning.

7. The Oil Companies agree to participate in mediation or other alternative dispute resolution of the proceedings.



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David le Marquand
Principal Planning and Policy Consultant
4Sight Consulting Limited

Dated this 31st day of January 2019

Address for Service:

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A copy of this notice has been served on the following parties:

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