
Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under Clause 14(1), First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	The Royal Forest and Bird Protection Society of New Zealand Incorporated Appellant
And	Dunedin City Council Respondent

Notice of wish for Oceana Gold (New Zealand) Limited to be party to proceedings pursuant to section 274 RMA

31 January 2019

To: The Registrar
Environment Court
Christchurch

- 1 Oceana Gold (New Zealand) Limited (**OGNZL**) wishes to be a party pursuant to section 274 of the RMA to the following proceedings:

The Royal Forest and Bird Protection Society of New Zealand Incorporated v Dunedin City Council (ENV-2018-CHC-287) being an appeal against decisions of the Dunedin City Council on the 2GP.

- 2 OGNZL made a submission and further submissions on the 2GP¹.
- 3 OGNZL is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 OGNZL is interested in part of the proceedings.
- 5 The parts of the proceedings OGNZL is interested in, including the particular issues and whether OGNZL supports or opposes the relief sought are set out in the **attached** table.
- 6 OGNZL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 31st day of January 2019



Jackie St John

Land and Consenting Lawyer, Oceana Gold (New Zealand) Limited

¹ Original Submission 1088 (24 November 2015); Further Submission 2439 (3 March 2016)

Address for service of person wishing to be a party

Oceana Gold (New Zealand) Limited
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Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.

Part of proceedings	Relief sought	Support, Oppose	Reasons
Chapter A.1.4 Definitions Definition of vegetation clearance	Amend definition to include degradation of indigenous vegetation and remove requirement for extensive failure to be directly caused by an activity. Ensure definition covers loss of indigenous vegetation as a result of irrigation.	Oppose	The activity being managed is clearance. 'Degradation', or an activity that does not directly result in 'extensive failure of an area of vegetation', is not 'clearance'. Indigenous vegetation clearance is intended to be managed as a sub-activity of vegetation clearance. The relief seeks to create an entirely different definition for indigenous vegetation clearance and does not differentiate between significant and trivial impacts.
Chapter A.1.4 Definitions Definition of no net loss	Delete "overall"	Oppose	Biodiversity can be maintained by applying the existing definition. "No net loss" is assessed by comparing biodiversity losses and biodiversity gains and requires an overall assessment.
Chapter A2.2 <i>Dunedin is Environmentally Sustainable and Resilient</i> Policy 2.2.3.1	Amend to direct that qualifying areas are to be protected as ASBV in the schedule. Include a new method to set out a process for this to occur.	Oppose	Private land that meets the ASBV criteria should not be automatically added into the 2GP Schedule Appendix A1.2 and protected as ASBV. The 2GP must strike a balance between appropriately protecting significant indigenous biodiversity and providing for reasonable use and development of private land.

Chapter <i>Natural Environment</i> Policy 10.2.1.2	C.10	Require that adverse effects on areas meeting the criteria in Policy 2.2.3.2 are avoided (not just "where practicable") unless they are consistent with maintenance of the site's biodiversity values	Oppose	Mining is locationally constrained i.e. the activity must take place where the resource is located. It may not be possible in all cases to avoid areas with biodiversity values. Therefore it is appropriate for the policy to recognise the need to avoid, remedy or mitigate such effects and for biodiversity offset and environmental compensation options to be available. The relief sought by the appellant does not give effect to those provisions in the ORPS that recognise that avoidance of adverse effects is not always possible for important activities that are locationally constrained.
Chapter <i>Natural Environment</i> Policy 10.2.1.3	C.10	Require that the listed activities are avoided unless they are consistent with maintenance of the ASBV's biodiversity values.	Oppose	ASBV's exist because of biodiversity values. Activities that result in no net loss or a net gain in those values cannot be inappropriate and there is no need to add an additional and uncertain test or requirement around protection or maintenance of biodiversity values.
Chapter <i>Natural Environment</i> Policy 10.2.1.4	C.10	Require that the listed activities are avoided unless they are consistent with maintenance of the ASBV's biodiversity values.	Oppose	ASBV's exist because of biodiversity values. Activities that result in no net loss or a net gain in those values cannot be inappropriate and there is no need to add an additional and uncertain test or requirement around protection or maintenance of biodiversity values.
Chapter <i>Natural Environment</i>	C.10	Amend policy (or add a new policy) encouraging retention of indigenous	Oppose	There is no need to limit the reasons for encouraging retention of biodiversity as suggested by the appellant.

Policy 10.2.1.5	vegetation: Encourage the retention of <u>indigenous vegetation</u> and <u>habitats</u> and conservation activity in all zones to <u>increase resilience</u> , <u>buffering</u> and <u>connectivity</u>		
Chapter <i>Natural Environment</i> Policy 10.2.1.6	C.10 Amend policy to add: <u>and the biodiversity values are maintained or enhanced.</u>	Oppose	The RMA definition of effects already includes cumulative effects.
Chapter <i>Natural Environment</i> Policy 10.2.1.7	C.10 Amend to require that indigenous vegetation clearance within a wetland or of the other vegetation/habitat types listed is avoided. C.10 Amend to discourage subdivision of ASBVs and to include	Oppose	Outright avoidance is not necessary and the policy in its current wording is appropriate to ensure that there is no net loss of significant biodiversity values as a result of vegetation clearance
Chapter <i>Natural Environment</i>	C.10 Amend to discourage subdivision of ASBVs and to include	Oppose	Subdivision of ASBV's does not need to be discouraged provided biodiversity values are managed as required by the existing policy.

Policy 10.2.1.11	reference to Policy 10.2.1.1		
Chapter C.10 <i>Natural Environment</i> Objective 10.2.2	Amend to refer to protection of biodiversity values and preservation of natural character. Objective is not consistent with NZCPS or s6.	Oppose	Maintenance and enhancement of values will protect and preserve them as appropriate.
Chapter C.10 <i>Natural Environment</i> Policy 10.2.2.2	Amend to refer to protection of biodiversity values and preservation of natural character.	Oppose	Maintenance and enhancement of values will protect and preserve them as appropriate.
Chapter C.10 <i>Natural Environment</i> Policy 10.2.2.6	Amend to be consistent with NZCPS	Oppose	Maintenance and enhancement of values will protect them as appropriate.
Chapter C.10 <i>Natural Environment</i> Policy 10.2.2.8	Amend to be consistent with NZCPS. This policy does not give effect to NZCPS Policies 11 and 13.	Oppose	Outside the coastal environment the policy is clear. Any change to the policy to change its intent or effect outside the coastal environment is opposed.

Chapter <i>Natural Environment</i> Rule 10.3.2.1	C.10 Delete item iv. Delete cultivation from item xiii as some forms of cultivation may not have resulted in clearance of vegetation.	Oppose	Item (iv) appropriately provides for clearance for the construction of tracks. It is appropriate to provide for cultivation in item (xiii).
Chapter <i>Natural Environment</i> Rule 10.3.2.2	C.10 20m setback should apply to any water body. Clarify in the rule or waterbody definition that the larger wetland setback applies to wetlands, and that the setback is assessed from the wetland edge, not from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank. Amend d so that vegetation	Oppose	The term 'clearly defined bed' is sufficiently certain. For any water body that does not have a clearly defined bed of at least 3m in width it is appropriate for there to be a minimum 5m setback for indigenous vegetation clearance in the rural zone. The minimum setback should not be the same (20m) for indigenous and non-indigenous vegetation clearance. Only wetlands identified in Appendix A1.2 should have the larger 20m setback. It is clear in 10.3.2.2(b)(ii) that no indigenous vegetation clearance can occur within any wetland in the specified zones, therefore the setbacks in 10.3.2.2(a)(i)(1) do not apply to wetlands. NC activity status for vegetation clearance in a wetland might be appropriate for indigenous vegetation clearance in wetlands within the rural, rural residential and recreation zones but it is not otherwise appropriate.

	clearance within a wetland is a non-complying activity			
	Amend forestry-related provisions to be consistent with NESPF.			
Chapter <i>Natural Environment</i> Rule 10.3.2.3	C.10 Amend c to specify that activities that contravene the standard are non complying.	Oppose	The existing restricted discretionary activity status is appropriate and enables effects to be assessed, and includes the opportunity for consent to be refused if effects cannot be appropriately managed.	
Chapter <i>Natural Environment</i> Assessment of discretionary activities 10.7	C.10 Delete reference to "priority" objectives and policies. Ensure objectives and policies are comprehensively listed or delete reference to objectives and policies. Do not repeat text of objectives and policies.	Oppose in part	Rule 10.7.2(3)(d) provides guidance on what is "no practicable alternative locations" and therefore no new definition is required.	
	Delete references to compensation in relation to activities			

