

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000277

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 Aurora Energy 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-CHC-000277 between Aurora Energy Limited (“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:
 - New definition of Regionally Significant Infrastructure
 - New definition of Functional Need
 - New Objective 2.3.1A and Policy 2.3.1A.1
 - Policy 2.3.1.7
 - Objective 5.2.1 and Policy 5.2.1A
 - New policy in chapter 5 to recognise the benefits of network utilities
 - Policy 5.2.1.7
 - Rule 5.3.2.10 – Activity status table – network utility activities
6. The reason for the Oil Companies interest in this matter is as follows:
 - 6.1 The appellant seeks to introduce a new definition of Regionally Significant Infrastructure. The relief sought is consistent with the Oil Companies own

appeal and is supported, provided the Oil Companies' bulk fuel infrastructure is included in such a definition as per the Oil Companies own appeal.

- 6.2 The appellant seeks to introduce a new definition of Functional Need in order to implement and achieve consistency with the proposed Otago Regional Policy Statement. The Oil Companies' activities are subject to specific locational and operational constraints and the Oil Companies lodged various submissions on the 2GP policy framework in this regard. The Oil Companies are not necessarily opposed to the relief sought, but have an interest in how the term is defined and used in the 2GP and any consequential amendments to objectives and/or policies that currently refer to locational and operational constraints.
- 6.3 The appellant seeks to introduce a new Objective 2.3.1A and a new Policy 2.3.1A.1 supporting the establishment of infrastructure including Regionally Significant Infrastructure. The relief sought is consistent with the Oil Companies own appeal, which seeks specific recognition of and provision for Regionally Significant Infrastructure in the 2GP policy framework and is supported subject to the Oil Companies own appeal being given effect.
- 6.4 The appellant seeks a number of changes to Policy 2.3.1.7, including in relation to functional need. The relief sought is supported subject to the relief sought in the Oil Companies own appeal on Policy 2.3.1.7 being given effect.
- 6.5 The appellant seeks to:
 - 6.5.1 Amend Objective 5.2.1 and Policy 5.2.1A to recognise the functional needs of network utilities;
 - 6.5.2 Insert a new policy in Chapter 5 to support the establishment, maintenance and upgrade of network utilities; and
 - 6.5.3 Amend Policy 5.2.1.7 to recognise the functional needs of network utilities.
- 6.6 The Council's decision on the definition of 'network utilities' means that essentially all petroleum pipelines and storage tanks (including above and below ground facilities) at service station, truck stop and commercial refuelling facilities as well as bulk fuel storage terminals will be subject to all provisions in Chapter 5 Network Utilities. That outcome was not sought or anticipated by the Oil Companies and clarification of this is sought in the Oil Companies own appeal. Notwithstanding, the Oil Companies have a specific

interest in the policy framework for network utilities. The relief sought by the appellant is generally consistent with the Oil Companies own appeal, which seeks specific recognition of and provision for infrastructure in the 2GP policy framework and is generally supported.

6.7 The appellant seeks to amend Rule 5.3.2.10 to revert to a restricted discretionary activity status for Network Utility Structures – Large Scale in the Residential, Recreation and all other zones and Discretionary in ONF, HNCC and ONCC areas. The relief sought is consistent with the Oil Companies own appeal on Rule 5.3.2.10 and is supported.

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

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

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