

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

I TE KŌTI TAIAO O AOTEAROA

ENV-2018-CHC-291

BETWEEN

**BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND
AND Z ENERGY LIMITED**

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIES' WISH TO BE PARTY TO PROCEEDINGS

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI AND TE RŪNANGA O ŌTĀKOU

Dated 31 January 2019

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Notice of wish to be party to proceedings

Under section 274 of the Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

- 1 Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou
("Manawhenua") wish to be parties to the following proceedings concerning
the Proposed Second Generation Dunedin District Plan ("2GP"):

ENV-2018-CHC-291 BP Oil New Zealand Limited, Mobil Oil New
Zealand and Z Energy Limited and Others v Dunedin City Council.

- 2 Manawhenua made a submission about the subject matter of the
proceedings.
- 3 The Kāi Tahu rūnanga are Manawhenua within the Dunedin district and
therefore also have an interest in the proceedings that is greater than the
general public.
- 4 Manawhenua are not trade competitors.
- 5 Manawhenua are interested in all of the proceedings.
- 6 The ability of Kāi Tahu to provide for their cultural wellbeing is dependent
on the protection of valued places, resources and landscapes, including wāhi
tūpuna, and therefore Manawhenua are particularly interested in the
following issues:
- a Any changes proposed in this appeal that have the potential to
impact how the 2GP provides for and protects Kāi Tahu values in the
Dunedin district.
 - b Any changes to the 2GP that have the potential to impact on Kāi
Tahu involvement in planning and consenting decisions such as
exemptions from the setback from the coast provisions.
 - c Any changes to the 2GP that result in the strengthening of the
planning framework to enable activities that threaten Manawhenua

values, such as network utilities, and any activities within mean high water springs.

- d The proposed addition of new definitions (such as for strategic infrastructure) for activities that might threaten values in wahi tupuna.
- e Changes that seek to amend the activity status for network utility structures – large scale, and other related activities that might threaten cultural values.

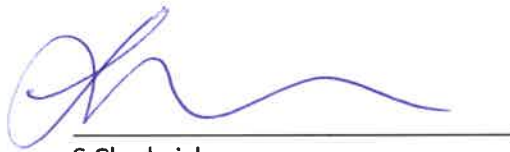
7 Manawhenua oppose the relief sought by the Appellant for the following reasons:

- a Kāi Tahu have interests in the protection of wāhi tūpuna areas and the wider district. They are particularly interested in the protection of waterways, mahinga kai and access to the coast and freshwater.
- b Threats to wāhi tūpuna include network utilities, sedimentation created by earthworks and the earthworks themselves.
- c Strengthening the policy and assessment provisions in favour of network utilities may have the effect of weakening protection of Manawhenua values and Manawhenua wish to ensure an appropriate policy balance is struck.
- d It is important that Manawhenua values are fully considered in consenting decisions about network utilities, both through appropriate provisions in the rules and policy of the 2GP and through Manawhenua involvement in consenting processes.
- e The 2GP contains a trigger that provides for all activities that are discretionary or non-complying to be notified to Manawhenua, whether they are in identified wāhi tūpuna or not. Changing the activity status of an activity from discretionary to restricted discretionary removes this requirement for notification which is inappropriate.

f The Appellant's proposed amendments do not promote sustainable management and do not adequately reflect or take account of the important matters in Part II of the Resource Management Act 1991, including sections 6(b), 6(e), 6(g), 7(a), 7(aa) and 8.

g Any new network utility policy must include adequate provision for consideration of impacts on Kāi Tahu values.

8 Manawhenua agree to participate in mediation or other alternative dispute resolution.



S Chadwick

Counsel for Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou

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