
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	BP Oil New Zealand Limited and Others 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:

BP Oil New Zealand Limited and Others v Dunedin City Council (**ENV-2018-CHC-291**) 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 are:
- (a) Chapter 2: Strategic Directions – Policy 2.2.6.2;
 - (b) Chapter 9: Public Health & Safety – Policy 9.2.2.11;
 - (c) National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCO) – appropriate referencing and new Objective and Policies for applications requiring consent under the NESCO;
 - (d) Chapter 9: Public Health & Safety – Rule 9.3.4 & A6 Hazardous Substances Quantity Limits;
 - (e) Chapter 1.5.2 Definitions – Reverse Sensitivity.
- 6 OGNZL did not have an opportunity to submit on Policy 2.2.6.2 as it was not notified. If Policy 2.2.6.2 is not deleted (as is sought in other appeals which OGNZL supports²) OGNZL agrees that the relief sought by the appellant would improve the policy by providing clarity and focus on managing risk to acceptable levels. Therefore OGNZL conditionally supports the appeal if the policy is retained in the 2GP.

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

² ENV-2018-CHC-237 Ravensdown v Dunedin City Council; ENV-2018-CHC- 254 Federated Farmers of New Zealand Inc v Dunedin City Council.

- 7 In respect of Policy 9.2.2.11 OGNZL is comfortable with the existing policy but conditionally supports the relief sought by the appellant should the policy be amended. Management of residual risk associated with hazardous substances to acceptable levels is an appropriate approach which provides clarity.
- 8 In FS2439.44 OGNZL supported the appellant's submission OS634.58 regarding the NESCS. OGNZL also supports the appeal. The advice note that has been included in the 2GP referring to the NESCS after the activity status table in the Earthworks Chapter is insufficient to provide policy guidance for the assessment of applications that require consent under the NESCS and may be overlooked by plan users applying for a change of land use or subdivision that does not involve earthworks.
- 9 In respect of Rule 9.3.4 and the A6 Hazardous Substances Quantity Limits, in FS2439.45 OGNZL supported Fonterra Limited's OS807.49 which opposed setting hazardous substances quantity limits and storage requirements in the 2GP and sought instead to rely on HSNO requirements. OGNZL supports the relief sought in the appeal. Duplication of matters that are already managed by HSNO and HSWA is unnecessary.
- 10 In FS2439.1 OGNZL opposed the appellant's submission OS634.9 which sought removal of the definition of Reverse Sensitivity. OGNZL also opposes the appeal relief that seeks deletion of the definition. Retaining a definition provides certainty and clarity.
- 11 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

Address for service of person wishing to be a party

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Advice

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