

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000237

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 Ravensdown 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-CHC000237 between Ravensdown 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 all parts of the proceedings:
6. The reason for the Oil Companies interest in this matter is as follows:
 - 6.1 The appellant seeks the deletion of Policy 2.2.6.2. The Oil Companies own appeal sought changes to Policy 2.2.6.2. However, deletion of the policy in favour of relying on the specific policies in Chapter 9 Public Health and Safety is not opposed.
 - 6.2 The appellant seeks changes to paragraph 4 of Chapter 9.1 Introduction to specify that HSNO controls will manage the risks associated with the storage and use of hazardous substances and additional controls will only be included in the 2GP where there is a clear resource management issue that the District Plan needs to address. The relief sought is consistent with the Oil Companies own appeal, which seeks to remove the provisions managing hazardous substances and rely on HSNO unless exceptional circumstances can be

demonstrated to exist through a robust s32 analysis for any specific additional control. The appeal is supported.

6.3 The appellant seeks changes to Policy 9.2.2.11 to recognise that the policy outcome would be achieved through compliance with HSNO requirements. The Oil Companies support the intent of the relief sought. However, as set out in their own appeal, they consider further changes are also required to the policy to improve clarity and ensure a focus on management of residual risk to acceptable levels.

6.4 The appellant seeks the deletion of Rule 9.3.4(1)(e) so that hazardous substances in Industrial Zones within the hazard overlays are not subject to the quantity limits in Appendix A6.2. The relief sought is consistent with the Oil Companies own appeal, which seeks to remove the provisions managing hazardous substances and rely on HSNO unless exceptional circumstances can be demonstrated to exist through a robust s32 analysis for any specific additional control. The appeal is supported.

6.5 The appellant seeks the deletion of the reference to the hazardous substances quantity limits and storage requirements as performance standard (i) of Rule 19.3.4.19. The relief sought is consistent with the Oil Companies own appeal, which seeks to remove the provisions managing hazardous substances and rely on HSNO unless exceptional circumstances can be demonstrated to exist through a robust s32 analysis for any specific additional control. The appeal 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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