

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000050

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 in relation to the
proposed Southland Water and Land Plan

BETWEEN Royal Forest and Bird Protection Society
of New Zealand Incorporated

Appellant

AND Southland Regional 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 proceedings between Royal Forest and Bird (Appellant) and the Southland Regional Council (Respondent) in relation to the respondent's decisions on submissions to the Proposed Southland Water and Land Plan (the pSWLP).
2. The Oil Companies are interested in the following parts of the proceedings:
 - Appeal point regarding Objectives 13, 13A and 13B;
 - Appeal points regarding Policies 16A and 20;
 - Appeal point regarding Policy 26A.
3. The Oil Companies lodged submissions on the pSWLP on these matters, with the exception of Policy 16A regarding Industrial and trade processes that may affect water quality. That policy was not included in the notified plan but appears to have arisen from submissions relating to Policy 16 – Farming activities that affect water quality. Within the Southland Region, the core activities of the Oil Companies relate to the operation and management of bulk storage facilities, aviation facilities and the operation and supply of retail and commercial outlets. In undertaking industrial and trade processes across the region, the Oil Companies consider they have an interest greater than that of the general public in relation to Policy 16A as required by section 274(1)(d) of the RMA.
4. The Oil Companies are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.
5. The reasons for the Oil Companies interest in these matters are as follows:
 - 5.1 The Oil Companies are opposed to the relief sought by the appellant in relation to Objectives 13, 13A and 13B. In particular the Oil Companies are opposed to the reinstatement of the notified version with amendments to avoid all adverse effects on human health and recreation, not just significant adverse effects. The RMA is not a no effects statute and drafting of the objective in this manner risks requiring avoidance of even *de minimis* effects.

- 5.2 For similar reasons, the Oil Companies oppose the relief sought by the appellant in relation to Policies 16A and 20 which seeks to require avoidance of adverse effects on water quality from industrial and trade processes and from the use and development of groundwater resources.
- 5.3 The Oil Companies oppose deletion of Policy 26A and the suggested reliance on Policy 26, which is specific only to renewable energy.
6. The Oil Companies agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated at TAKAPUNA this 15th day of June 2018

Signature of person authorised to sign on behalf of The Oil Companies.



Mark Laurensen
Senior Planner

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

Royal Forest and Bird Protection Society of New Zealand Incorporated
PO Box 266, Nelson 7040
Attn: Sally Gepp
s.gepp@forestandbird.org.nz

Southland Regional Council
C/- Wynn Williams and Co
PO Box 4341 or DX WX11179
Christchurch
Attn: Kirstie Wyss and Philip Maw
Kirstie.wyss@wynnwilliams.co.nz; Philip.maw@wynnwilliams.co.nz