

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000037

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

Southland Fish and Game Council

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 Southland Fish and Game Council (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 points regarding Objectives 13, 13A and 13B;
 - Appeal point regarding Policy 16A.
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.
4. In accordance with section 274(1)(da) of the Act, the Oil Companies have an interest in the proceedings relating to Policy 16A that is greater than the interest of the general public. This interest recognises that 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.
5. The Oil Companies are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.
6. The reasons for the Oil Companies interest in these matters are as follows:
 - 6.1 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 requirement to avoid all adverse cumulative effects, not just adverse cumulative effects on human health. The RMA is not a no effects statute and drafting of the objective in this manner risks requiring avoidance of even *de minimis* cumulative effects.

6.2 The Oil Companies are not generally opposed to the relief sought by the Appellant in relation to Policy 16A but seek to ensure any alternative relief does not inappropriately restrict discharges that are in accordance with the best practicable option.

7. 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

Address for service:

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Attention: Mark Laurensen

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

Southland Fish and Game Council
C/- John Edmonds and Associates Limited
PO Box 95, Queenstown
Attn: Ben Farrell
ben@jea.co.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