

**Otago Regional Council**  
**DIRECTION OF THE COMMISSION**

1. In response to Minute 2, I have received the following documents:
  - a. Legal Submissions on behalf of Mobil Oil New Zealand Limited dated 26 January 2023;
  - b. Recommended conditions for RM22.099 – WSP edits;
  - c. ESP – Fryatt Street Adjacent to Former Terminal, revised and dated January 2023;
  - d. Supplementary Report from Ms Shay McDonald, reporting planner, responding to the above and the Memorandum filed by Counsel for DCC yesterday and received by me today.
  
2. I thank the parties for forwarding these documents. On the basis of the information now received, and the extent of agreement between the experts, I am satisfied that the hearing on 30 January 2023 may be vacated. I will proceed to make a decision on the papers, subject to questions that will be issued to the parties in writing. If there is any need for me to question the parties beyond that, I will ask Ms Bagnall to set up a Zoom call. The hearing will therefore not be closed at this time.
  
3. To assist with my decision making, I have the following immediate questions on the documents filed on 26 January 2023, and ask that I receive responses to these **by 12 noon on Tuesday 31 January 2023**:
  - a. Ms McDonald states in paragraph 8 of her Supplementary Report that the changes proposed by the DCC and agreed to by Mobil “be incorporated into recommended Condition 6...”. I note that Condition 3(d) references the revised EMP dated January 2023. Is it intended that Condition 6 should Cross-reference Condition 3(d)? If not, what amendments are proposed to Condition 6?
  - b. I have reviewed the changes to the off-site EMP requested by DCC and agreed to by Mobil. My reading of the revised off-site EMP vs the previous March 2020 draft has highlighted other minor changes that do not appear to have been requested by either DCC or the reporting planner and have not been explained by Mobil. As the amendments to the EMP are not clearly identified in tracked form, it may be that these changes were not identified by Council’s reporting planner. The changes are as follows:
    - i. Section 5.3.4, 4<sup>th</sup> paragraph (was previously the 3<sup>rd</sup> paragraph):
      - This now commences with the words “In the event ambient air monitoring within the works area requires monitoring, it should be undertaken using a calibrated gas meter...”
      - The previous draft stated: “Ambient air quality within the works area should be monitored using a PID and calibrated gas meter...”

Is there a particular reason for this amendment? At first glance, it appears to weaken the air monitoring responsibility, but that may not be its intention. Is there a particular reason for the deletion of the reference to a PID?

- ii. Section 5.3.4, 8<sup>th</sup> paragraph and summary that follows:  
The ppm measurements for CO have changed. Please explain the reason for the changes, with reference to health risk.

Jan Caunter  
Independent Commissioner  
27 January 2023