

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2024-CHC-26**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal pursuant to Clause 14(1) of  
the First Schedule to the Act

**BETWEEN** **Royal Forest and Bird Protection Society  
of New Zealand Incorporated**  
*Appellant*

**AND** **Otago Regional Council**  
*Respondent*

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**NOTICE OF REPRESENTATION AT PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE  
MANAGEMENT ACT 1991**

7 June 2024

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**To: The Registrar  
Environment Court  
Christchurch**

1. Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited (the **Fuel Companies**) wish to be a party to the following proceedings:

1.1 *Royal Forest and Bird Protection Society of New Zealand Incorporated vs Otago Regional Council* (ENV-2024-CHC-26) being an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**), against the decisions of the Otago Regional Council (**ORC**) on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement (**PORPS-NF**).

2. The Fuel Companies lodged original and further submissions on the PORPS-NF on the subject matter of the proceedings.

3. The Fuel Companies have an interest in the Appeal that is greater than the interest the general public has because:

3.1 The Fuel Companies receive, store and distribute refined petroleum products. The core business of the Fuel Companies is the operation and management of retail fuel networks, commercial refuelling facilities and bulk storage (terminal) facilities. The Fuel Companies also supply petroleum products to individually owned businesses.

3.2 The Dunedin Port provides the sole point of entry for ships carrying bulk petroleum products into the Otago Region.

3.3 There are three bulk fuel storage facilities (**terminals**) operated by the Fuel Companies at the Port; Z Energy<sup>2015</sup> Limited (previously Chevron New Zealand), 203 Fryatt Street; Z Energy Limited, 9-25 Wickliffe Street; and BP Oil New Zealand Limited, Parry Street. The terminals are infrastructure of regional and strategic importance and are critical to the functioning of the city and region as a whole.

4. The Fuel Companies are not trade competitors for the purposes of section 308C or 308CA of the RMA.
5. The Fuel Companies are interested in the parts of the Appeal that relate to the following:
  - 5.1 The proposed amendment to PORPS-NF definition: “commercial port activity”. The Fuel Companies supported the definition of commercial port activities which includes structures, facilities and pipelines for fuel storage. The relief sought by the appellant may have implications for transport provisions that provide for commercial port activities. The Fuel Companies oppose the relief sought by the Appellant.
  - 5.2 The proposed amendment to PORPS-NF definition: “regionally significant infrastructure” to delete clause 11A “oil terminals, bulk fuel storage and supply infrastructure, and ancillary pipelines at Port Chalmers and Dunedin”. Clause 11A of the definition was added to the PORPS-NF as a result of the original Fuel Companies submission as an essential part of the suite of regionally significant infrastructure in Otago. The Fuel Companies oppose the relief sought by the Appellant.
  - 5.3 The proposed amendment to PORPS-NF provision CE-P9 Activities on land within the coastal environment to delete the reference to “operational need”. The Fuel Companies oppose the relief sought by the appellant as ‘functional need’ relates to activities that can only occur in that environment, whereas ‘operational need’ relates to its technical, logistical, or operational characteristics or constraints to be in that environment. The latter is more relevant to terminals in the coastal environment.
  - 5.4 The proposed amendment to PORPS-NF provision CE-P10 Activities within the coastal marine area to delete the reference to “operational need”. and supports the relief sought by the Appellant. The Fuel Companies oppose the relief sought by the appellant as ‘functional need’ relates to activities that can only occur in that environment, whereas ‘operational need’ relates to its technical, logistical, or operational characteristics or constraints to be in that environment. The latter is more relevant to terminals in the coastal environment.

6. The Fuel Companies agree to participate in mediation or other alternative dispute resolution of the proceedings.



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Gavin McCullagh  
Principal Planner

Dated this 7<sup>th</sup> day of June 2024

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

**Otago Regional Council**

Hearings Administrator – [hearingsadministrator@orc.govt.nz](mailto:hearingsadministrator@orc.govt.nz)

**Appellant**

May Downing - [m.downing@forestandbird.org.nz](mailto:m.downing@forestandbird.org.nz)