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Minute 3 Response

To: Independent Hearing Commissioner Jan Caunter for RM22.099

From: Shay McDonald – Consents Planner

Date: 30 January 2023

Re: Response to Minute 3 Question

Question for Shay McDonald – Paragraph 3(a) of Minute 3

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?

Response from Shay McDonald

Condition 3(d) currently references the EMP version dated March 2020 (Rev0). I consider that this remains an appropriate version to reference in this condition, as the purpose of this condition is to reference the version of the EMP that has been assessed by an independent technical expert as being comprehensive and appropriate for the site. Therefore, any updated version of this EMP should remain in general accordance with this original version.

With regard to recommended Condition 6, I consider that it is appropriate to incorporate the specific changes requested by DCC and agreed to by Mobil into this condition. This is because these amendments are the basis of DCC’s withdrawal of opposition to the application.

While I agree with Mr Hart’s insertion of “*subsequent revised versions*” which would enable Mobil to update the EMPs throughout the life of the consent, I suggest the following expanded wording for this condition:

Recommended Condition 6:

- (a) Within 30 working days of the issue of this consent, the Consent Holder must prepare and submit finalised versions of both Environmental Management Plans to Dunedin City Council, Chalmers Properties Limited, and the Consent Authority.
- (b) The finalised versions of both Environmental Management Plans must be in general accordance with the versions submitted as part of the application, as referenced in Condition 3(c) and 3(d) of this consent.
- (c) The finalised version of Environmental Management Plan – Fryatt Street Adjacent to Former Terminal must include the amendments as described in section 10.2 of the Memorandum on Behalf of Dunedin City Council, dated 25 January 2023.

(d) Any subsequent revised versions of the Environmental Management Plans must be submitted to the Consent Authority for review and acceptance prior to being submitted to Dunedin City Council or Chalmers Properties Limited.

A handwritten signature in black ink, appearing to read 'Shay McDonald', written in a cursive style.

Shay McDonald
Consents Planner
30 January 2023