

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

BETWEEN

NEIL ROY

Appellant

AND

OTAGO REGIONAL COUNCIL

DUNEDIN CITY COUNCIL

WAITAKI DISTRICT COUNCIL

Respondents

AND

OCEANA GOLD LIMITED

Applicant

NOTICE OF APPEAL

s120 of the Resource Management Act 1991

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NOTICE OF APPEAL

s120 of the Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

1 The Appellant appeals a decision on the following matter:

1.1 The granting of resource consents for the Coronation North Project, an expansion of mining activities at the Macraes Gold Project, including:

a The following consents granted by Otago Regional Council:

- i Land use consent RM16.138.01 for a term of 10 years
- ii Land use consent RM16.138.02 for a term of 35 years
- iii Discharge permit RM16.138.03 for a term of 10 years
- iv Discharge permit RM16.138.04 for a term of 35 years
- v Discharge permit RM16.138.05 for a term of 35 years
- vi Discharge permit RM16.138.06 for a term of 35 years
- vii Discharge permit RM16.138.07 for a term of 35 years
- viii Discharge permit RM16.138.08 for a term of 35 years
- ix Discharge permit RM16.138.09 for a term of 10 years
- x Discharge permit RM16.138.10 for a term of 10 years
- xi Water permit RM16.138.11 for a term of 10 years
- xii Water permit RM16.138.12 for a term of 35 years
- xiii Water permit RM16.138.13 for a term of 10 years
- xiv Water permit RM16.138.14 for a term of 35 years
- xv Water permit RM16.138.15 for a term of 35 years
- xvi Water permit RM16.138.16 for a term of 35 years
- xvii Water permit RM16.138.17 for a term of 35 years
- xviii Discharge permit RM16.138.19 for a term of 15 years and eight months (to expire 31 August 2032)
- xix Water permit RM16.138.20 for a term of 35 years.

b The following consents granted by Waitaki District Council:

- i Land use consent 201.2016.779 and 201.2013.360-1 for a term of 35 years.

c The following consents granted by Dunedin City Council:

- i Land use consent LUC-2016-234 and LUC-2013-225/A for a term of 35 years.

(together the "Resource Consents").

- 2 The Appellant made a submission on the application for the Resource Consents.
- 3 The Appellant is deemed to have received notice of the decision on 11 January 2017, being the first working day after 23 December 2016, in accordance with section 2 of the Resource Management Act 1991 ("RMA").
- 4 The decision was made jointly by the Otago Regional Council, the Dunedin City Council and the Waitaki District Council.
- 5 The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
- 6 The decision appealed is:
 - 6.1 The granting of the Resource Consents for the Coronation North Project, an expansion of mining activities at the Macraes Gold Project.
- 7 The land affected is:
 - 7.1 All that land contained in certificates of title OT15A/514; OT620415 and OT16B/855.
- 8 The reasons for the appeal are:
 - 8.1 Insufficient evidence was provided and insufficient assessment made of the effects of the proposal:
 - a On roading and public land; and
 - b Traffic.
 - 8.2 The mining activities undertaken by the Applicant impact significantly on areas of public road and public land.
 - 8.3 The Applicant cannot undertake any activity on legal road.
 - 8.4 Insufficient consideration was made of the lack of compliance with previous roading proposals put forward by the Applicant.
 - 8.5 The Applicant's roading proposals do not sufficiently mitigate the effects of loss of public access and thoroughfare.
 - 8.6 The assessment of the proposal in planning terms does not meet the requirements of the RMA.

8.7 The application was incorrectly assessed as a discretionary activity.

9 The appellant seeks the following relief:

9.1 That the appeal is allowed and the Resource Consents be granted subject to new conditions that:

- a Ensure legal road and public land is not affected by the proposed activity;
- b Appropriately mitigate the effects on public access and thoroughfare; and
- c Ensure timely compliance with conditions of the Resource Consents and all related resource consents, particularly conditions applicable to legal road and public land; and

9.2 Such other relief as the Court sees fit.

Attached to this Notice of Appeal are the following documents:

- 1 A list of the parties served with a copy of this appeal.
- 2 A copy of my submission.
- 3 A copy of the decision of the hearing committee jointly appointed by the Respondents.

DATED this 31 day of January 2017



S Chadwick
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Advice to recipients of copy of this notice of appeal

How to become a party to proceedings

You may be a party to the appeal if –

- a within 15 working days after the period for lodging an appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- b within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal or inquiry

The copy of this notice served on you does not attach a copy of the relevant application (or submission) and (or or) the relevant decision (or recommendation or part of the decision or recommendation). These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

List of persons served with a copy of this appeal:

- 1) **Craig & Erin Howard**
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- 3) **Heritage New Zealand Pouhere Taonga**
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- 4) **Kāi Tahu ki Otago Limited**
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- 8) **Macraes Community Incorporated**
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Attention: William Harvie
- 9) **Oceana Gold (New Zealand) Limited**
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- 12) **Otago Regional Council**
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Attention: Charles Horrell