

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

BETWEEN

MACRAES COMMUNITY INC

Appellant

AND

OTAGO REGIONAL COUNCIL

DUNEDIN CITY COUNCIL

WAITAKI DISTRICT COUNCIL

Respondents

AND

OCEANA GOLD (NEW ZEALAND) LIMITED

Applicant

NOTICE OF APPEAL

s120 of the Resource Management Act 1991

Solicitor Acting: S M Chadwick

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NOTICE OF APPEAL

s120 of the Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

1 Macraes Community Inc ("MCI") 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 consents 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 consents LUC-2016-234 and LUC-2013-225/A for a term of 35 years.

(together the "Resource Consents").

- 2 MCI made a submission on the application for the Resource Consents.
- 3 MCI 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 MCI is not a trade competitor for the purposes of section 308D of the RMA.
- 6 The decision MCI is appealing 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 The application was incorrectly assessed as a discretionary activity.
 - 8.2 The assessment of the proposal does not meet the requirements of the RMA and the relevant planning instruments.
 - 8.3 Insufficient evidence was provided and insufficient assessment made of the following:
 - a Noise;
 - b Effects on roading and public land;
 - c Traffic;
 - d Dust;
 - e Water quality;
 - f Effects on the local community;
 - g Effects on the land resource and loss of productive land;
 - h Weeds and pests;
 - i The proposed ecological mitigation package;
 - j The effects of the 23 ha extension to the existing Coronation pit; and
 - k Cumulative effects.

- 8.4 Insufficient evidence was provided, and no, or insufficient assessment made, of the risks and limitations of the following proposals put forward by the Applicant:
- a The proposed ecological mitigation package;
 - b Rehabilitation proposals;
 - c Proposed public/community benefits; and
 - d Bonds required.
- 8.5 Procedural deficiencies resulted in submitters having no opportunity to consider or comment on essential aspects of the proposal, including:
- a The ecological mitigation package put forward by the Applicant, after the hearing had effectively concluded; and
 - b Further information provided at a very late stage regarding the effects of the 23 ha extension to the Coronation pit.
- 8.6 The Coronation North Project creates considerable environmental effects which have not been adequately mitigated.
- 8.7 The Applicant has not complied with conditions of existing and related resource consents, which creates a cumulative adverse effect which must be considered and assessed in the context of this application.
- 8.8 The decision incorrectly found that the ecological mitigation package fully mitigates the significant environmental effects of the proposal.
- 8.9 The conditions of consent do not provide adequate certainty that the ecological mitigation package and other proposed mitigation measures offered will be complied with in a timely manner and endure beyond the life of the mine as proposed.
- 8.10 The overall effects of the proposal are more than minor.
- 8.11 The final decision incorrectly concluded that the effects of the proposal were appropriate or acceptable.
- 8.12 The requirements of Part II of the RMA are not met by the proposal.

9 MCI seeks the following relief:

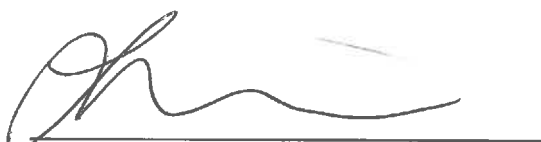
SMC-456755-8-1-V1:SMC

- 9.1 That the Resource Consents are declined;
or in the alternative
- 9.2 That the appeal is allowed and the Resource Consents are granted subject to substantially amended conditions of consent; and
- 9.3 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 the MCI submission.
- 3 A copy of the decision of the hearing committee jointly appointed by the Respondents.

DATED this 31st day of January 2017



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Advice to recipients of copy of notice

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:

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- 4) **Kāi Tahu ki Otago Limited**
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