



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

Notice of Extraordinary Meeting of *Council*

at the

**Council Chamber, Council HQ
20 Thames Street, Oamaru**

at

9am, Wednesday 15 March 2017

***In the interests of the environment and to help reduce photocopying costs,
please bring your Council agenda with you to the meeting***

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Waitaki District Extraordinary Council Meeting

Agenda

9am, Wednesday 15 March 2017
Council Headquarters, Council Chambers
3rd Floor, 20 Thames Street, Oamaru

Apologies

Declarations of Interest

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Waitaki District Council Report

From Policy and Communications Manager

Date 15 March 2017

2017/18 Annual Plan Community Engagement

Recommendations

The Council:

1. Notes the Community Engagement Plan (attachment 1) and the options available to the Council
2. Agrees the approach for community engagement as detailed in the Community Engagement Plan (attachment 1)
3. Agrees the consultation content subject to any changes identified during the 15 March 2017 meeting (attachment 2)
4. Delegates to the Communication Portfolio the ability to approve any refinement to the consultation material based on the 15 March 2017 Council meeting feedback.

Objective of the Decision

The objective of this report is for Council to enable staff to begin the community feedback process for the 2017/18 Annual Plan.

Background

At 15 February Council meeting, Council agreed to the proposed budget changes to Year 3 of the 2015-25 Long Term Plan, and that those changes did not constitute a significant or material difference to Year 3 of the 2015-25 Long Term Plan. Council also agreed to community and stakeholder engagement as part of the process of completing the Annual Plan 2017/18, and directed staff to bring back content that would support that engagement to the 15 March 2017 meeting.

Community Engagement Process and Content

The process for community and stakeholder engagement is detailed in the attached Community Engagement Plan. The key elements are:

- Engagement material published as a two page spread in the Oamaru Mail and Waitaki Herald
- Community forums held in Oamaru, Otematata and Palmerston to invite public feedback.

The Community Engagement Plan also provides an alternative option to above. This provides the Council to implement an approach similar to a formal hearing as in previous years.

The content of the engagement material that will feature in the Oamaru Mail and Waitaki Herald is also attached for Council approval.

Next Steps

Assuming Council agrees the recommendations in this report, the next steps are:

- 24 March – 18 April Community Engagement period, including public forums
- 10 May – Council consideration of community feedback and decision making
- 17 May – Council direction to staff to complete the 2017/18 Annual Plan
- 21 June – Adoption of 2017/18 Annual Plan



Mike Roesler
Policy and Communications Manager



Lisa Baillie
Customer Services Group Manager

Attachments

Attachment 1: Community Engagement Plan
Attachment 2: Consultation Material

Attachment 1 – Community Engagement Plan

Consultation Material

Consultation material will be a two-page spread in the Oamaru Mail (with an identical spread in the Waitaki Herald). This will provide a high level description of projects summarised into approximately 2-3 themes with financial information and how this will impact on rates which has a high degree of public interest. A feedback/submission-type form will also be included.

Public Input and Feedback

Informal community forums will replace the traditional formal hearings. These will be organised based on the themes being consulted on. The public will be able to attend all or some of these forums depending on which themes they have an interest in. Elected members will also attend these forums so that a round-table discussion can take place between them and the public. A council officer will be in attendance taking notes. Similar forums will also be held with both the Ahuriri Community Board and the Waihemo Community Board in Otematata and Palmerston respectively. Notes from each forum will be summarised and given to elected members prior to decisions being made and the Annual Plan being adopted.

Alternative Engagement Option

As an alternative to the engagement approach discussed above, Council may decide to hold formal hearings in the traditional format. This involves members of the public being invited to give written feedback and, should they choose to, present their views to Council on a date to be agreed.

2017/18 Annual Plan description and background

The purpose of the Annual Plan is to consider the forecasted budgets of the 2015-25 Long Term Plan (LTP) and formalise any resulting change. This Annual Plan (AP) relates to financial year 1 July 2017 to 30 June 2018, being year 3 of the LTP. Importantly, in completing the process, Council engages with the community in a way that reflects the significance of proposed change to Year 3 of the LTP.

Change to the Local Government Act (LGA02) means that Council is no longer legally required to formally consult with the public if there is no significant or material change to the LTP. In practice 'significance and materiality' is decided by Council by applying the Significance and Engagement Policy. If Council agrees that change is significant then it is required to implement a 'Special Consultative Procedure' (SCP) as defined in the LGA02.

While the intent of the LGA02 can be debated, it makes good sense to engage with the community in a sensible way and Council now has the flexibility to do this. The alternative is for Council to decide a less formal engagement process can be taken.

Following workshops with Council in December 2016 and February 2017 it has been determined that a formal SCP is not required, however, public consultation will still take place.

Objective of the 2017/18 Annual Plan	Reasons for engagement	Deliverable	Results Sought
Review the detailed budgets and work programme associated with Year 3 LTP via the 2017/18 AP process.	To provide the community with the opportunity to give feedback on proposed changes to Year 3 LTP	A 'consultation document' with a high level story of what is being proposed will be issued for public feedback (including space for written feedback).	The community have a clear understanding of what is planned, how they can comment and what final decisions have been made.

Consultation Material

Following discussions with Council in February 2017 consultation material will be produced. This will provide a high level description of projects summarised into approximately 3-4 themes with financial information and how this will impact on rates which has a high degree of public interest.

Information will be presented in a story-like way to encourage public participation and create opportunities for increased representation.

Communication Channels

Traditional channels such as newspapers and radio stations will continue to be used to promote and encourage participation.

The consultation material will be published as two full pages in the Oamaru Mail and Waitaki Herald, including space for written feedback.

Council's website and Facebook will be the main digital platforms and any written materials with high level information will direct the public to our website for more detailed information.

Stakeholders have been identified (see below) and will receive an email or letter, again with high-level information, directing them to the website and inviting them to give written feedback (with relevant information regarding community forums).

Community Boards

Understanding that the Ahuriri and Waihemo Community Boards play a unique part in this process, we will hold informal community forums with Board members, and local residents (with mayor, deputy mayor and councillors in attendance) in Palmerston (Wednesday 12 April) and Otematata (Wednesday 12 April).

Community Forums

It is proposed that, rather than holding formal hearings, a less formal approach is taken for people wanting to present their feedback and share information with Council. Instead of hearings taking place over 1-2 days in front of the mayor and all councillors in the traditional format, forums will be held on an issue-based approach where members of the public come together with a group of elected members in a round-table format to discuss individual themes or issues. This approach will help create a climate of co-operation and inclusion, particularly important for people who feel uncomfortable or intimidated by standing in front of Council in a formal way. It is proposed that the Oamaru Forums are held in the daytime and then repeated in the evening for people unable to attend the daytime sessions.

Council officer/s will be in attendance to observe discussions, take notes and formulate a summary of each forum which will be presented to Council prior to decisions being made.

Oamaru Forums (Wednesday 5 April – daytime)

Our infrastructure	9am to 10.30am
Living and visiting in Waitaki	11am to 12.30pm

Oamaru Forums (Wednesday 5 April – evening)

Our infrastructure	5pm to 6.30pm
Living and visiting in Waitaki	6.30pm to 8pm

Stakeholders

Businesses

Alliance Group
Automobile Association - Southern Region
Grow North Otago
Meridian Energy
Moeraki Liaison Group
North Otago Irrigation Company
Oamaru Licensing Trust

Oceana Gold Ltd
Omarama Airfield
Omarama Business Group
Otago Chamber of Commerce
Palmerston Business Group
Tourism Waitaki
Whitestone Contracting

Health

Public Health South

Waitaki District Health Services

Environmental

Hampden Community Energy Group
Department of Conservation
Federated Farmers
Kurow Irrigation
Natural Heritage Society of Oamaru

Ohau Conservation Trust
Ohau Protection Society
Waihemo Wastebusters
Waitaki Irrigators Collective
Waitaki Resource Recovery Trust

Residents Associations

Macraes Community Inc.
Dunback Community Committee
Duntroon & District Development Association
Kakanui Ratepayers and Improvement Society
Lake Ohau Residents & Ratepayers Assn

Otematata Residents Association Inc
Omarama Residents Association
Shag Point Ratepayers Assn
Waitaki Valley Community Society

Recreation

Alps2Ocean Joint Committee
CCS Disability Action
Fish and Game

Mountain Biking North Otago
Sport Waitaki
Waitaki District Youth Council

Cultural/Heritage

Oamaru Whitestone Civic Trust
Heritage New Zealand
Literacy North Otago
Waitaha Taiwhenua O Waitaki Trust Board

Waitaki Multicultural Council
Steampunk HQ
Te Runanga o Moeraki
Whitestone Community Arts Council

Government

Land Information NZ
Otago Regional Council
New Zealand Transport Agency

NZ Police
Environment Canterbury

Community

North Otago Grey Power
St Lukes Social Justice Group
Age Concern Waitaki

Feedback Summation

Council officers will summarise all feedback (from community forums and any written feedback) which will then be presented to Council prior to decisions being made. If necessary, Council will request any officer advice on specific issues/themes pre-decision-making period.

Timeframe and completion dates

Key project stages	Date
Public consultation	Opens Friday 24 March Closes Tuesday 18 April
Community forums	Wednesday 5 April (Oamaru) Wednesday 12 April (Otematata) Wednesday 12 April (Palmerston)
Summary of feedback to Council	Starting Wednesday 19 April (to be completed by Thursday 4 May)
Hearings (alternative option)	TBC
2017/18 Annual Plan adopted	Wednesday 21 June
'Closing the loop' feedback for public on final decisions/outcomes	From Wednesday 21 June
Letters sent to submitters	From Wednesday 21 June

Project team roles and responsibilities

Team member	Role and responsibilities
Alena Lynch	Co-ordination of engagement plan
Mike Roesler	Oversight of engagement plan
Laura Wylie	Co-ordinate Annual Plan content, including financial implications, with officers
Logesh Kumar	Web content
Ian Wells and Paul Hope	Financial budgets

Activity	Date
Oamaru Mail two-page spread	Friday 24 March Friday 7 April
Waitaki Herald two-page spread	Wednesday 29 March Wednesday 5 April
Radio <ul style="list-style-type: none"> The Hits, Newstalk ZB Port FM, The Edge Radio Waitaki 	Saturday 1 April to Saturday 15 April
Limelight Cinema	March – April (one month)



Our 2017/18 Annual Plan

We've got some planning to do for the next 12 months and we'd like your help. There's the perennial issues of our roads, how much our rates will be and are we growing the way we want to. We've also got a few other things in mind – we'll briefly outline them and if you want more more detailed information check out our website - www.waitaki.govt.nz. But don't let it end there ... have a read of this information and share your thoughts with us (the following page has more information on how you can do this).

Our infrastructure

With any well-oiled machine we need to have good systems and processes in place to make sure we're working efficiently and effectively. It's not glamorous but it's essential. We've identified some areas that need improving, particularly in the Regulatory space.

We want to make sure that we're providing good customer service and we need the right systems and processes in place, with more emphasis on technology. This, of course, costs money but it's an investment in helping meet the demands of our customers and helping to grow our district.

As well as our usual road maintenance, we'd also like to change some roads, seal some and create some. As an example we'd like to move the intersection of Tyne Street and Arun Street near the Oamaru Harbour. The current intersection is used by both commercial operators and tourists and has the potential to have some safety risks so we'd like to move the intersection so it's safer. **We're also looking at creating a link road at the North End Business Park in Oamaru, enabling safer and more free-flowing movement of heavy and commercial vehicles.**

We're not solely focusing on Oamaru roads - our two Community Boards (Waihemo and Ahuriri) will also be working with their local communities to help provide funding to improve other rural roads.

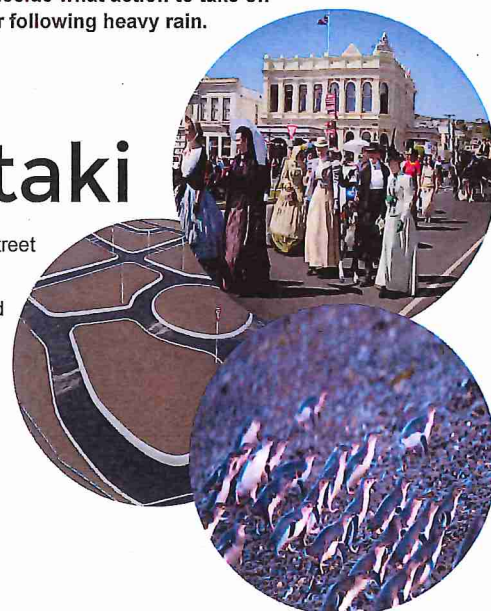
We want to improve street lighting in Kurow so that they have heritage lighting which will be in keeping with other improvements we've made in Kurow. We need to decide what action to take on the Severn Street terrace wall which collapsed last year following heavy rain.

Living and visiting in Waitaki

Everyone wants to enjoy living in Waitaki. It's not just about having well maintained roads, footpaths, toilets and street lighting. **We have parks, playgrounds and swimming pools and these also need some attention at times.**

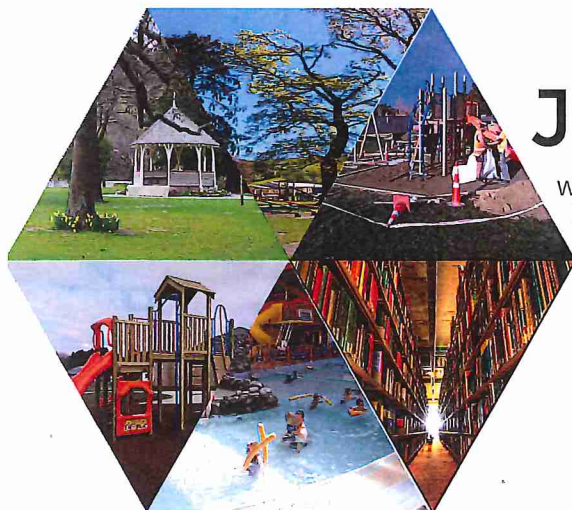
We also want to create a district that welcomes tourist and visitors. We've seen real growth in tourist numbers and it's not surprising given everything we have to offer.

We'd like to take what we've already got and make it even better - for you and our visitors. **One project we're thinking about is some more development of the Oamaru harbour area.** There's been some great development there already and we'd like to do a bit more. Some ideas we have including developing the area used by the Farmers Market. We're looking at permanent seating, paved areas, bike stands, grass, garden areas and possibly some trees. It will definitely be in keeping with the area and could also include a stage area for live entertainment. If it goes ahead, this 1,000m² area will be designed to be versatile and have multiple uses.



Just the beginning

While this is our plan for the next 12 months, it's also the beginning of our planning for the next Long Term Plan which we'll be starting to work on later this year. We'll be asking you again if you have any ideas or suggestions we should be considering for a longer period of time (10 years). So if something isn't included now, it might be included later.



How much?

When we consulted you in 2015 on the Long Term Plan we predicted a rates increase of 2.1% but we're working hard to keep rates as affordable as possible. We don't want to increase rates for the sake of it but we also want to grow our district so it's important we find a balance. At the moment we're planning for a very small 1% rates increase. To give you an idea of how much you'll pay below are some examples and you'll find more on our website (www.waitaki.govt.nz). We've also listed the proposed costs of some of the projects. Again, you'll find more information on our website.

Place	Capital Value	2016/17 (current) Rates	2017/18 Rates
Oamaru Residential	\$250,000	\$2,233	\$2,257
Omarama	\$210,000	\$1,876	\$1,903
Palmerston	\$230,000	\$2,133	\$2,168
Waihemo Agricultural	\$1.4 million	\$5,469	\$5,522
Oamaru Commercial	\$395,000	\$4,461	\$4,561
Otematata Commercial	\$740,000	\$4,226	\$4,315

Project	Cost
Regulatory systems	\$389,000
Severn Street wall	\$200,000
Oamaru harbour	\$215,000

Have we missed anything?

This is a perfect time for you to let us know if we've missed anything or you'd like to see us do something. There's a section on the other side where you can write your comments. We're going even further! We're holding some informal community forums (see details below). These are designed for you to come along to a particular session you have an interest in (councillors will be there). You can simply listen to others speak or you can speak yourself - it's up to you. These forums will give councillors some things to consider before the annual plan is adopted and takes effect.



Community Forums

Oamaru (Wednesday 5 April)

Investing in infrastructure	9am to 10.30am	and	5pm to 6.30pm
Living and visiting in Waitaki	11am to 12.3pm	and	6.30pm to 8pm

Otematata (Wednesday 12 April)

Otematata Lakes Centre	1.30pm to 3pm
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Palmerston (Wednesday 12 April)

Waihemo Service Centre	5pm to 6.30pm
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Your Feedback

This is the important part - your comments. If you want to give us something in writing complete the form below or do it online (www.waitaki.govt.nz). You need to have this back to us by **Tuesday 18 April**. We'll consider everyone's ideas and opinions before we adopt the final 2017/18 Annual Plan on Wednesday 21 June (which will take effect on 1 July 2017).

Name: _____

Address: _____

Email: _____ Phone: _____

Regulatory systems to improve customer service: _____

Severn Street wall: _____

Oamaru harbour development: _____

Other comments: _____

Waitaki District Council Report

From Policy and Communications Manager

Date 15 March 2017

Section 17A Review – Phase II

Recommendations

The Council:

- 1 **Approves** the Council's participation in detailed regional service reviews of Solid Waste, Regulatory Services and Waterways and Harbours under section 17A(1) of the Local Government Act 2002.
- 2 **Notes** that a number of other potential future reviews have been identified and that further assessment of the potential regional benefits of reviews of Three Waters and Land Transport will be undertaken.
- 3 **Decides** not to conduct any other reviews under section 17A(1) of the Local Government Act 2002 before August 2017, for the reason in section 17A(3)(b) of the Local Government Act 2002.
- 4 **Notes** that the Waitaki District Council funding contribution to this collaborative review is relatively minor and will be met from existing consultancy budget.

Objective

The objective of the report is to:

- confirm the Council's participation in a regional collaborative approach to review specific activities of Solid Waste, Regulatory Services and Waterways and Harbours.
- confirm the Council's involvement in further on-going work on the potential benefits of reviews of three waters and land transport.
- confirm the scope of Waitaki District Council's reviews under section 17A independent of the regional approach.

Summary

Section 17A of the Local Government Act 2002 requires all councils to undertake reviews of the cost-effectiveness of current arrangements for delivering services unless a legal or cost-benefit exemption applies. The first reviews must be completed by August 2017.

Reviews must consider specific options which would involve one or more other councils, including jointly owned council controlled organisations (CCOs) or shared services arrangements. This is one reason the Otago Mayoral Forum resolved in November 2016 to coordinate service reviews across the six Otago councils, including the Otago Regional Council.

A high-level review provided to the Otago Mayoral Forum recommended conducting detailed reviews of three regional activity groups, namely Solid Waste, Waterways and Harbours, and Regulatory Services, as the regional benefits of these detailed reviews had a strong potential to exceed the costs of review. It was also recommended that further assessment of the potential regional benefits for two activity groups namely Three Waters and Land Transport be undertaken. A regional review of Civil Defence and Emergency Management was separately concluded. The Otago Mayoral Forum accepted these recommendations on 11 November 2016. It is recommended that each Otago council now confirm or decline to participate in the recommended detailed regional reviews. It is also recommended each council consider whether any further reviews will be undertaken independently before August 2017.

Background

Attachment 1 provides background on why this review under Section 17 LGA is required, how the Otago collaborative approach for completing this review came about, and the approach taken. This Council made a decision at the 17 February 2016 meeting to support the collaborative approach (Attachment 2).

Phase 1 of the Otago wide approach included a high level review of the various activities of the Councils across the region and the results are shown in Attachment 1. Importantly the high level review provides a sound basis upon which this Council can discharge its responsibility to complete its first section 17A(1) reviews by 8 August 2017, by deciding not to undertake further reviews

under the cost-benefit exemption in section 17A(3)(b). This enables recommendation three of this report. In addition work to date on Civil Defence Emergency Management also satisfies the Council's responsibility to complete its first section 17A(1) review for that activity.

Phase 1 of the review resulted in the Mayoral Forum identifying three activities worthy of detailed review and two activities, being three waters and transport, worthy of further consideration for potential detailed review. This is reflected in recommendations 1 and 2 of this report.

The Otago Mayoral Forum considered the results of Phase I and agreed the position reflected in the recommendations to this report on 11 November 2016.

Proposal

It is proposed that Phase II of the Otago approach to complete the detailed service reviews is completed by 8 August 2017. They include:

- Solid Waste
- Regulatory Services
- Waterways and Harbours.

A total budget of \$125,000 has been allocated to fund the detailed reviews (and further benefits assessments of Three Waters and Land Transport). This budget covers specialist external advisers, project management and workshop facilitation. The cost for each council will be allocated pro rata based on its number of rating units, as previously agreed by the Otago Mayoral Forum. Waitaki District Council's share of this cost has been anticipated and will be met from existing consultancy budget.

The project approach will involve relevant managers from all participating councils, to inform option selection (Attachment 3) and allow any council-specific or economic and social impacts to be considered in detail.

Finally, it is important to note that the conclusion of the reviews is separate to the implementation of an option. It is not necessary that any options resulting from regional service reviews be implemented in 2017.

Options

All Otago councils now have at least three general options as shown below.

Option One (recommended) – Full participation in the recommended detailed regional reviews	
This option approves the Council's participation in all three recommended detailed regional reviews of Solid Waste, Regulatory Services and Waterways and Harbours.	
Advantages A consistent regional approach based on an assessment of the potential benefits of reviews to exceed the costs of reviews. Recognises resource constraints.	Disadvantages Limits the number of initial reviews which may delay the benefits of other reviews should those benefits exist.
Option Two – Non-participation in some or all of the recommended detailed regional reviews	
The second option would be to modify the Council's participation by declining to participate in one, two or all three of the detailed regional reviews of Solid Waste, Regulatory Services and Waterways and Harbours.	
Advantages Reduced resource requirement	Disadvantages May exclude the Council from realising benefits. May diminish the benefits to other councils.
Option Three – Undertake further independent reviews	
In conjunction with either option one or two above, this Council completes other independent reviews.	
Advantages May identify additional benefits	Disadvantages Will require additional resources

Next Steps

A Project Team consisting of staff from the Otago councils will be formed to deliver the three detailed reviews, and progress investigation of the value of completing detailed reviews for three waters and transport.

Any detailed regional reviews will be conducted under the oversight of the Otago Chief Executive Forum, and any recommended options reported to the Otago Mayoral Forum and councils for consideration before any potential implementation can occur.



Mike Roesler
Policy and Communications Manager

Lisa Baillie
Customer Services Group Manager

Attachments

Attachment 1 - Background on Section 17A reviews

Attachment 2 – Extract from Waitaki District Council Minutes – 17 February 2016

Attachment 3 - Waitaki District Council 12 February 2016 Decision

Attachment 1 – Background on Section 17A reviews

- 4 Section 17A(1) of the Local Government Act 2002 requires all councils to review the cost-effectiveness of current arrangements for meeting the needs of communities within their district or region for good-quality local infrastructure, local public services, and performance of regulatory functions. Such reviews must be undertaken:
 - in conjunction with consideration of any significant change to relevant service levels [s17A(2)(a)]; and
 - within two years before the expiry of any contract or other binding agreement [s17A(2)(b)]; and
 - at such other times as the council considers desirable, but not later than six years following the last review [s17A(2)(c)].
- 5 A transitional provision requires that a council must complete its first reviews under section 17A by 8 August 2017 [sch1AA cl 2(1)]. The exemptions to the review requirement are:
 - if services are under existing legislation, contracts or binding agreements that cannot reasonably be altered within the following two years [section 17A(3)(a)]; or
 - if the council is satisfied the potential benefits of a review do not justify the costs of undertaking the review [section 17A(3)(b)].
- 6 Section 17A(4) requires that reviews consider the following specific options (without precluding other options):
 - governance, funding, and delivery is exercised by the council;
 - governance and funding is exercised by the council, and delivery is exercised by a CCO of the council;
 - governance and funding is exercised by the local authority, and delivery is exercised by a CCO in which the councils are shareholders;
 - governance and funding is exercised by the council, and delivery is exercised by another council;
 - governance and funding is exercised by the council, and delivery is exercised by another person or agency; or
 - governance and funding is delegated to a joint committee or other shared governance arrangement, and delivery is exercised by a CCO, another council, or another person or agency.
- 7 Central government's stated priorities for reviews are three waters (water, wastewater and stormwater), land transport infrastructure, economic development and resource management planning activities reflected in its (now delayed) 'Better Local Services' legislative package. That package contains specific provisions for "bespoke CCOs" for water and land transport and to enable transfer of non-statutory services such as economic development.

Otago regional approach

- 8 In November 2015 the Otago Mayoral and Chief Executive Forums resolved to conduct a collaborative review process, adopting principles for these reviews. These included considering potential efficiency and effectiveness benefits beyond cost-effectiveness, and sensitivity to public expectations about local ownership and governance of assets.
- 9 A Project Team with staff from each council (Central Otago District Council, Clutha District Council, Dunedin City Council, Queenstown Lakes District Council, Waitaki District Council and Otago Regional Council) was convened to commence an initial review. The Project Team considered other bodies' guidance and models for conducting service reviews, and agreed an approach based on the best practices.
- 10 The Project team recommended to the Otago Mayoral Forum that a high-level review be conducted to identify groups for detailed review, and that detailed reviews be conducted using an adapted Better Business Case (BBC) five-case methodology. This requires: a clear statement of the rationale for change (strategic case); rigorous analysis of options to select a preferred option (economic case); analysis of options to optimise the benefits of existing supply markets (commercial case); a clear understanding of financial costs, funding and who pays (financial case); and finally sound management of all the risks associated with delivery to ensure the benefits are realised (management case).
- 11 The Mayoral Forum resolved in May 2016 to allocate \$25,000 for a high-level service review, and a further \$125,000 for any identified detailed regional reviews in 2016/17.
- 12 Separately, a service review of Civil Defence and Emergency Management was conducted in 2016, resulting in a transfer of functions to the Otago Regional Council.

Otago high-level review

- 13 The Project Team considered all activities undertaken by each council, combining these into 27 'regional activity groups' to enable consistent analysis. For each group, data was gathered including: current and forecast operating and capital costs; activity specific revenue; staffing levels; and the consistency of current service arrangements.
- 14 Some of this data is summarised in the table below, shown in order of total combined ten-year operating and capital cost per councils' current long term plans. While this shows the groups with the largest financial scope for cost-effectiveness improvement, the Project Team did not recommend focussing only on these groups, as other factors are relevant. For example, Economic Development and District Promotion's costs includes forecast convention centre costs reported in the Queenstown Lakes District Council's long term plan, and Property Management costs are significantly lower on a net basis after including rental income. Moreover, conducting the largest (and most costly) reviews at the same time would create a significant resourcing challenge.
- 15 Instead, a range of factors were considered for each group, including: performance; changes in operating environment; any barriers to a council's participation in a review (e.g. existing contracts); and possible impacts on organisational capacity and capability of a changed model for governance, funding and delivery.
- 16 The total lower and upper costs of conducting a detailed review for each group were estimated if applying the BBC methodology, as ranging from approximately \$10,000 for smaller groups through to around \$1,000,000 for larger groups (based on the actual costs, over a number of years, of other councils undertaking a detailed review of a potential Three Waters joint-CCO).

Regional activity group	Comparability	Total Otago operating and capital expenditure in LTPs 2015-2025	Total Otago FTEs
Three Waters	Generally consistent activities	\$1,445,213,233	104.8
Land Transport	Generally consistent activities	\$1,286,471,872	57.0
Parks and Recreation	Highly varying activities	\$403,951,305	48.7
Economic Development and District Promotion	Generally consistent activities, includes ORC	\$273,000,064	30.0
Solid Waste	Generally consistent activities	\$258,399,072	9.4
Property Management	Inconsistent activities, includes ORC	\$245,488,282	30.9
Regulatory Services	Generally consistent activities	\$238,911,528	132.7
Aquatics	Generally consistent activities	\$219,652,325	105.4
Planning and Compliance	Generally consistent activities, includes ORC	\$219,534,154	72.4
Arts and Culture	Highly varying activities	\$216,473,671	65.2
Information Technology	Generally consistent activities, includes ORC	\$175,968,651	67.4
Libraries	Partially consistent activities	\$175,657,047	117.9
Governance and Legal	Generally consistent activities, includes ORC	\$144,401,104	20.9
Public Transport	ORC only	\$134,089,000	4.5
Finance	Generally consistent activities, includes ORC (WDC excludes Payroll)	\$133,515,715	66.9
Community Housing	Excludes WDC (in Property). Excludes DCC FTEs (in Property)	\$89,393,616	1.8
Customer Services	Generally consistent activities, includes ORC	\$62,911,303	48.3
Community Planning	Generally consistent activities, includes ORC	\$60,400,193	10.0
Community Development	Highly varying activities	\$48,669,649	12.4
Communications	Generally consistent activities, includes ORC	\$45,080,207	34.2
Civil Defence and Emergency Management	Generally consistent activities, includes ORC – s17A review completed	\$39,402,631	8.1
Fleet	Generally consistent activities, includes ORC	\$32,714,187	4.9
Parking Operations	DCC and QLDC only	\$29,655,000	2.0
Human Resources	Generally consistent activities, includes ORC	\$27,691,747	17.6
Waterways and Harbours	Includes ORC	\$14,184,756	2.2
Airfields	DCC, QLDC CCOs not included	\$11,645,025	1.6
Rural Fire	ORFA into Fire & Emergency NZ per national Review	\$11,310,986	0.0
Community Safety	Excludes DCC	\$2,548,737	1.5

Key:	Infrastructure
	Regulatory Function
	Service (External)
	Service (Internal)

Notes All figures are based on reported figures or best estimates in some cases.
Total costs include allocated internal costs, hence will be reported twice in some cases.
Certain councils were unable to isolate costs for certain activities, hence data is incomplete in some cases.

- 17 A high-level BBC strategic case assessment was undertaken, which considered: efficiency and effectiveness gaps at a regional level; the degree of change needed to realise benefits; how benefits might be shared; any risks to realising benefits; and any other constraints or dependencies.

- 18 A range of potential efficiency and effectiveness opportunities were identified, which in many cases were being pursued through existing collaborative mechanisms. For example, several councils were sharing information about their contract models for already outsourced services (e.g. reserves maintenance).
- 19 However section 17A requires consideration of specific options for the governance, funding and delivery of services. Hence, these specific options were also considered for each group. The potential for a detailed review of each option to realise benefits exceeding the total costs of review was assessed and categorised as having strong, uncertain or limited potential.
- 20 Where one or more options had a strong potential, the group was recommended for detailed regional review. For eleven groups the potential was uncertain, and in the context of limited resources it was not recommended that a detailed review of these groups be undertaken until the reviews with the strongest potential had been completed. For the remaining 13 groups, it was clear all options had limited potential and no review was recommended until next required under section 17A. These recommendations are summarised below:

Assessment	Regional activity groups	Recommendation	Status under s17A
Strong potential	Solid Waste; Regulatory Services; Waterways and Harbours	Undertake regional service reviews	Review recommended under s17A(1)
Uncertain potential	Three Waters; Land Transport	Undertake further potential benefits assessments to determine if a review should proceed	Review not recommended until the s17A(3)(b) cost-benefit test is satisfied, or review resources become available
	Public Transport; Parks and Recreation; Economic Development and District Promotion; Customer Services; Property Management; Information Technology; Finance; Governance and Legal; and Human Resources.	Undertake regional service reviews if and when the overall review programme allows	
Limited potential	Aquatics; Libraries; Arts and Culture; Community Housing; Parking Operations; Airfields; Community Safety; Rural Fire; Planning and Compliance; Community Planning; Community Development; Communications; and Fleet.	Undertake no regional service review	Review not recommended as the s17A(3)(b) cost-benefit test is unlikely to be satisfied

- 21 For the three groups recommended for detailed regional review, certain factors were notable:

- Solid Waste has seen a change in operating environment with increasing landfill constraints and waste transfer between regions. There also exists a neighbouring shared services model in WasteNet Southland.

- Regulatory Services operates in a similar legislative context across councils facing similar resourcing challenges. Some models for resource sharing exist.
 - Waterways and Harbours has seen responsibilities shared between relevant councils and the Otago Regional Council for some years, but it is expected that more consistent approaches to resourcing would improve outcomes, including public safety.
- 22 While small in number, the three groups recommended for detailed review involve total regional operating and capital costs of around \$512M over 10 years and 144.3 full time equivalent employees (132.7 in the Regulatory Services group). Hence the recommended reviews would be of significant scope.
 - 23 For Three Waters and Land Transport it was recommended that further assessment of potential regional benefits is undertaken, given their complexity and financial significance. For Three Waters it was noted that models elsewhere involved relatively dense operating environments (e.g. Auckland, Hamilton/Waikato). For Land Transport, it was noted that there is already a significant coordination effort associated with implementing the 'One Network Road Classification' in conjunction with New Zealand Transport Agency and developing the next Regional Land Transport Plan.
 - 24 For another nine groups, some specific activities were identified as having stronger potential but the benefits relatively small (e.g. rates administration within Finance). Some groups were only relevant to particular councils (e.g. Public Transport limited to ORC, DCC and QLDC) or may be reviewed through other mechanisms. Information Technology was recognised as being a potential enabler in the context of other reviews. On balance, it was recommended that regional reviews of these services proceed only when the first reviews are completed.
 - 25 For the remaining 13 groups most or all options were assessed as having regional benefits with a limited potential to exceed the costs of review, and it was recommended these not be considered for review until next required by section 17A.
 - 26 The high-level review did not limit its considerations because of individual council contracts. It was assumed that detailed reviews would consider options to allow contracts to be aligned as part of any transition to an alternative operating model over time.
 - 27 The high-level review did not assess local economic and social impacts, as these would be better considered in the context of any detailed reviews.
 - 28 The Otago Mayoral Forum accepted the recommendations above on 11 November 2016.

Attachment 2**Waitaki District Council 17 February 2016 Extraordinary Council (Minutes Extract)****1. Section 17A: Local Government 2002 Reviews**

The objective of this report is to set out changes under the Local Government Act 2002 requiring councils to review the effectiveness and efficiency of all infrastructure, services and regulatory functions before August 2017.

RESOLVED
WDC16/021

Crs Tavendale/Hopkins
"That Council:

1. Notes the proposal to contribute and actively work with other councils to explore opportunities for improved efficiencies and cost-effectiveness through a collaborative Section 17A review process.
2. Notes the outcome of the Section 17A review process could include the development of shared services.
3. Notes that shared service arrangements will not be entered into without first coming to Council.
4. Notes that \$40,000 has been set aside for the development of an Otago Council collaborative approach to Section 17A review as part of the draft 2016/17 Annual Plan.
5. Notes that further reports will be made when more complete financial implications of the cost of the larger collaborative service reviews are known."

CARRIED

Attachment 3 – Section 17A Option Selection

As noted earlier, detailed reviews would be based as far as possible on an adapted Better Business Case (BBC) five-case methodology. A critical element of this methodology is the selection of options for analysis. While section 17A specifies mandatory options (and these were the only options considered as part of the high-level review) a much wider range of options can be explored in the detailed review. For example, the potential involvement of non-Otago councils may be considered. A matrix of potential options exists, informed by five dimensions, as illustrated in the table below (using Regulatory Services as an example in some cases).

Dimension	Description	Options within each Dimension
Scale and location	Services provided by split of geographic coverage	<ul style="list-style-type: none"> • Sub-district based services • District based services (status quo) • Sub-regional services • Regional services • Multi-region services
Service scope	Services provided by functional aggregation or disaggregation	<ul style="list-style-type: none"> • Group of activity (e.g. regulatory services encompassing building control, environmental health, liquor licensing, animal control & parking enforcement) • Group subset (environmental health and liquor licensing combined) • Activity (e.g. building control or animal control) • Activity Subset (e.g. BCA functions or regional dog control registration and administration)
Service delivery	Resourcing models	<ul style="list-style-type: none"> • Local authority governance, funding and delivery • Outsourced management • Outsourced delivery • Individual shared services • Total shared services • CCO without assets • CCO with assets • Contract agreement (e.g. funding and delivery outsourced)
Implementation	Timing and pace of change	<ul style="list-style-type: none"> • Modular transition (e.g. as contracts expire) • Phased transition (e.g. by agreement over time) • Single step (e.g. by legislation)
Funding	Considerations	<ul style="list-style-type: none"> • Status quo (existing rates / charges) • Harmonised rates / charges • User charges only • Debt

Waitaki District Council Report

From Planning Manager

Date 15 March 2017

RMA Delegation

Recommendations

That Council delegate to the Planning Manager the power to resolve the two appeals lodged to the Oceana Gold Ltd Coronation North consents.

Objective of the Decision

To delegate the power to resolve the Oceana Gold Ltd, Coronation North appeals through a consent order.

Summary

A delegation to staff is required to resolve the Oceana Gold Ltd, Coronation North appeals through a consent order.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	Key
Legal	Key	Cultural Considerations	Key
Significance	Key	Social Considerations	Key
Financial Criteria	Moderate	Economic Considerations	Key
Community Views	Moderate	Community Board Views	No
Consultation	No	Publicity and Communication	No

Background

Oceana Gold Ltd lodged a consent application to expand their mining operation into an area adjoining the Coronation Mine, this area is known as Coronation North. The location of the proposed mining straddles the boundary between Waitaki District Council and Dunedin City Council and thus land use consents were required from both authorities as well as consents from Otago Regional Council.

The application was heard by a three person Hearings Panel consisting of a qualified representative from each of the councils involved and a decision to grant consents subject to conditions was made. Councillor Peter Garvan represented Waitaki District on the Hearings Panel.

Two appeals have been received from submitters to the application (Appendix A), the appellants are;

Mr Neil Roy
Macraes Community Incorporated

There is a process whereby appeals can be resolved by agreement between all parties. This agreement is defined in a consent order which is then presented to an Environment Court Judge for approval. Consent orders are desirable as they refine or often resolve the entire appeal and avoid the need for a protracted Environment Court hearing. The time taken to prepare for and proceed to an Environment Court hearing also makes a consent order mediation a desirable path to resolving appeals. Oceana Gold Ltd wish to advance consent orders as the appeals prevent them from exercising the consents to mine in the Coronation North area.

In regard to consent order mediation the Environment Court has prepared a Practice Note defining the process:

Environment Court Practice Note 2014 Appendix 2

Representation and attendance at mediation

(a) Parties may attend the mediation in person, or be represented by one or more persons. There is no requirement that a representative be a lawyer, or have other

professional qualifications. The names and contact particulars of each representative and attendee are to be provided to the Court and the other parties at least 5 working days in advance of the mediation, as part of the preparation for the mediation.

(b) Each party shall have at least one representative who is present through all sessions and who is authorised to participate, for instance by answering questions and co-operating in the mediation in any appropriate manner.

(c) Where a party appoints a representative to attend the mediation, the party will be taken, unless express advance notice to the contrary is given to the Court and all other parties, as required by Clause 5.1(h) of the Practice Note, to have given that representative full authority to settle the dispute or the issues at stake. (Refer to Clause 5.1(h) for the full detail on this.)

(d) Where issues in dispute relate to matters of expert opinion, the parties' relevant experts should, whenever reasonably practicable, attend the mediation, or at least be available by telephone, should the need arise to discuss such issues during the mediation.

The parties to the Coronation North appeals have agreed to enter into a consent order mediation in order to refine or resolve the appeals, the mediation is being timetabled for late March. For this to occur it is desirable for Waitaki District Council to give a representative of the Council full authority to settle the matters defined within the appeals.

Otago Regional Council and Dunedin City Council have delegated that role for the Coronation North appeals to their senior planning staff.

Summary of Options Considered

Option 1 – Status quo, no delegation of function to staff. Any consent order mediation would require the full attendance of the Council's representative on the Hearings Panel who made the Coronation North decision.

Option 2 – Delegate the ability to resolve the Coronation North appeals through a consent order to the Planning Manager

Assessment of Preferred Option

Having considered the options summarised above, the following conclusions have been reached:

Without a delegation of function to an officer any consent order mediation would require full attendance of Waitaki District Councils Hearings Panel member who made the decision being appealed – for the entire duration of the mediation. If this cannot be realised then the mediation fails and the Environment Court would be required to consider the appeal.

Delegating full authority to the Planning Manager to resolve the Coronation North appeals means mediations have a good chance of being successfully resolved in a timely manner.

Conclusion

Delegation of the ability to resolve Environment Court appeals to the Planning Manager achieves greater efficiency for the Council. In the absence of a delegation the member of the Hearings Panel would need to attend the mediation for the entire duration.



Peter Kloosterman
Planning Manager

Neil Jorgensen
Assets Group Manager

Attachments

Additional decision making considerations

Additional Decision Making Considerations

The following matters have been considered in making the decisions.

Financial Considerations

Considerable efficiencies can be achieved by resolving appeals before an Environment Court Hearing.

Legal Considerations

The ability to delegate this function is within the powers of the Council under the Resource Management Act 1991

**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

Solicitor: J A Farrow
Solicitor Acting: S M Chadwick

Webb Farry
Lawyers
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PO Box 5541
Dunedin

Telephone: (03) 477 1078
Facsimile: (03) 477 5754

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
Counsel for N Roy

Address for service of Appellants:

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Telephone: (03) 477 1078
Email: schadwick@webbfarry.co.nz
Contact person: Shelley Chadwick

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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- 2) **Department of Conservation**
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- 3) **Heritage New Zealand Pouhere Taonga**
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Attention Jane O'Dea
- 4) **Kāi Tahu ki Otago Limited**
Resource Management Officer
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Attention: Kathryn Gale
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- 5) **David & Jocelyn Kinney**
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- 7) **Mathew & Kate O'Connell**
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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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Attention: Jackie St John
- 10) **Dunedin City Council**
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- 11) **Waitaki District Council**
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- 12) **Otago Regional Council**
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Private Bag 1954
Dunedin 9054
Attention: Charles Horrell

**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

Webb Farry

Lawyers

79 Stuart Street

PO Box 5541

Dunedin

Telephone: (03) 477 1078

Facsimile: (03) 477 5754

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
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 - xvii Water permit RM16.138.17 for a term of 35 years
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- b The following consents granted by Waitaki District Council:
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- 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:

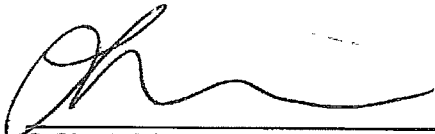
SMC-456755-8-1-V1:SMC

- 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



S Chadwick
Counsel for Macraes Community Inc.

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Contact person: Shelley Chadwick

Advice to recipients of copy of notice

How to become a party to proceedings

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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).

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- 1) **Craig & Erin Howard**
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- 2) **Department of Conservation**
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Attention Jane O'Dea
- 4) **Kāi Tahu ki Otago Limited**
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