

**IN THE ENVIRONMENT COURT**

**ENV- 2018 -CHC- 000151**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**IN THE MATTER** of an appeal under Schedule 1, Clause 14(1) of the Resource Management Act 1991

**BETWEEN** **NEW ZEALAND TUNGSTEN MINING LIMITED**  
*Appellant*

**AND** **QUEENSTOWN LAKES DISTRICT COUNCIL**  
*Respondent*

---

**NOTICE OF PERSONS WISH TO BE A PARTY TO PROCEEDINGS**

27 June 2018

---

Glasgow Harley  
Solicitors, Nelson  
Gerhard Englebrecht  
Counsel Acting: Dean van Mierlo  
Phone 03 7311 070  
dean@environmentalbarrister.co.nz.

## NOTICE OF PERSONS WISH TO BE A PARTY TO PROCEEDINGS

Section 274 Resource Management Act 1991

To The Registrar  
Environment Court  
Christchurch

1. Daniel Norman Walker gives notice of his wish to be a party to the following proceedings;
  - 1.1 An appeal by New Zealand Tungsten Mining Ltd against the provisions of the proposed Queenstown Lakes District Plan ENV – 2018 – CHC 000151 (the **Proceeding**)
2. Daniel Walker has an interest in this Proceeding that is greater than the public generally. In particular;
  - 2.1 Daniel Walker holds MP 60209, being a minerals mining permit issued under the Crown Minerals Act 1991 in respect of land within Queenstown Lakes District (the **Permit**).
  - 2.2 The Permit authorises the mining of gold and silver within the bed, riparian margins and/or adjoining area of the Kawerau River as specified in the Permit (the **Permit Area**).
  - 2.3 the Permit Area has been included within areas of Outstanding Natural Landscape (ONL) under the proposed Queenstown Lakes District Plan.
  - 2.4 The Objectives, Policies and Rules of the Proposed Plan which are the subject of the Proceeding, will have a direct bearing on Daniel Walker's ability to exercise his rights to mine for gold (and silver) under the Permit which he holds.

3. Daniel Walker is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Daniel Walker is interested in all of the Proceeding.
5. Daniel Walker supports the relief sought by the Appellant.
6. Without limiting the above, Daniel Walker takes the following position:
  - 6.1 The objectives and policies relating to ONL in the decisions version of the Proposed Plan do not adequately provide for activities with limited or temporary adverse effects on landscape values, including a range of mining activities.
  - 6.2 The objectives, policies and rules relating to mining in the decisions version of the Proposed Plan do not adequately recognise or provide for the economic, social and environmental benefits that can result from properly managed mining activities.
  - 6.3 The rules relating to mining in the decisions version of the Proposed Plan are inconsistent, contradictory and illogical. For example, the rules provide for suction dredging (up to 10hp / 7.5 kilowatt motive power) as a permitted activity in rule 21.4.29b, but then also provide that any mining activity in the bed of a lake or river is a non-complying activity in rule 21.11.1.2. Suction dredges are only operated within the bed of a lake or river, however.
  - 6.4 Changes made to the rules relating to mining in the originally notified version of the Queenstown Lakes District Plan were without jurisdiction and beyond scope as no submitter appears to have sought non-complying activity status for mining activity within the bed of a lake or river, or ONF area.
  - 6.5 The amendments proposed by New Zealand Tungsten Mining Ltd in this Proceeding are appropriate and better provide for sustainable management in

accordance with Part 2 of the Act, than the provisions contained in the decisions version of the Proposed Plan.

6.6 In particular, and without limitation, Table 8 (21.11 Rules – Standards for Mining) should be deleted, or amended as set out in the Proceeding and so that activities that do not meet the standards specified are a discretionary activity, not a non-complying activity.

7. Daniel Walker agrees to participate in mediation or other alternative dispute resolution of the proceedings.

A handwritten signature in blue ink, appearing to read 'D van Mierlo', is positioned above the typed name and title.

D van Mierlo

Counsel for Daniel Walker.

27 June 2018