

IN THE ENVIRONMENT COURT

CHRISTCHURCH REGISTRY

I Te Koti Taiao o Aotearoa

Ōtautahi Rohe

ENV-2018-CHC-

IN THE MATTER of an appeal under clause 14(1) of the First Schedule of the Resource Management Act 1991

AND IN THE MATTER OF the Proposed Queenstown Lakes District Plan – Stage 1

BETWEEN

**New Zealand Tungsten Mining Limited**

Appellant

AND

**QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

David Anthony van der Zwet SERVES NOTICE PURSUANT TO SECTION 274  
OF THE RESOURCE MANAGEMENT ACT 1991

9 July 2018

To: The Registrar  
Environment Court  
Christchurch

TAKE NOTICE that David Anthony van der Zwet gives notice pursuant to s274 of the Resource Management Act 1991 that it wishes to appear as a party to the above proceedings.

This Notice is made upon the following grounds .

1 David Anthony van der Zwet did not lodge a Submission or Further submission to the Proposed Queenstown Lakes District Plan – Stage 1 (the Plan) to which this appeal relates.

2 I have an interest in these proceedings that is greater than the public generally under section 274(1) (da). I formally seek to join the appeal of the initiator as a s274 party.

3 Notwithstanding the above, Section 308CA sets out the limits for s274 notices to which the party had not previously submitted or provided a further submission. Person A may be a party proceeding only if directly affected by an effect of the subject matter of the proceeding that (a) adversely affects the environment. It is my view I satisfy the requirements to appeal the decision of the respondent by virtue of s308CA and s274.

4 I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

5 My hobby mining will be adversely affected, and I consider the decision document has created an unintended and perverse outcome. I am part of the environment as described in section 2 of the Act, where the environment includes, (a) ecosystems and their constituent parts, including people and communities.

6 I have a current mining permit ML51719 on the Arrow River within the Queenstown Lakes District.

7 The decision document for the Plan states in Chapter 21.11 that the standards for mining in the bed of a river is a non-complying activity. New Zealand Tungsten Mining Limited appealed against Chapter 21. This creates a significant challenge to hobby gold miners using suction dredges under the Otago Regional Council permitted activity 13.5.1.7 of the RP:W. This is directly at odds with Chapter 21.4.29 of the Plan.

8 Chapter 21.4.29 of the decision document states:

The following mining and extraction activities that comply with the standards of Table 8 are permitted:

(a) Mineral prospecting

(b) Mining by means of hand-held, non-motorised equipment and suction dredging where the total motive power of the dredge does not exceed 10 horsepower (7.5kw) and...

9 Suction dredge mining exclusively occurs in the bed of the river. While permitted under 21.4.29, it is a non-complying activity under 21.11 and Table 8.

10 It also means the four public recreation gold mining areas administered by the NZ Petroleum and Minerals will require a consent. That consent will be non-complying.

11 A non-complying consent requirement is a perverse outcome whilst the Regional Council considers the activity a permitted activity in the same waterbody.

12 I seek the following relief, that Table 8 and Chapter 21.11.1.2 is amended to allow for suction dredge mining and hand method/detecting consistent with the permitted activity rules in 21.4.29.

13 David Anthony van der Zwet agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated the 9 July 2018

A handwritten signature in black ink, appearing to read 'David', with a long horizontal line extending to the right.

David Anthony van der Zwet

P.O. Box 1247  
Queenstown, 9348

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