

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-000151**

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Under	the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	an appeal under Clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	<b>New Zealand Tungsten Mining Limited</b> Appellant
And	<b>Queenstown Lakes District Council</b> Respondent

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**Notice of wish to be party to proceedings pursuant to section 274 RMA**

10 July 2018

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**Section 274 party's solicitors:**

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**anderson  
lloyd.**

**To:** The Registrar  
Environment Court  
Christchurch

1 I, Alaster Brent Duncan, wish to be a party pursuant to section 274 of the RMA to the following proceedings:

*New Zealand Tungsten Mining Ltd v QLDC (ENV-2018-CHC-000151)* being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

2 I am a person who has an interest in the proceedings that is greater than the interest that the general public has, in particular:

- (a) Alaster Brent Duncan holds a share in Minerals Mining Permit, 41858, for the Lower Moonlight and Moke Rivers. The permit commenced 03 February 2005 for a term of 20 years and pertains to mining of gold.
- (b) Alaster Brent Duncan is a Director of Action Mining Limited, which holds Mining Permit, 53005, for Stoney Creek. The permit commenced 18 January 2011 for a term of 11 years and pertains to mining of gold.
- (c) Both of the above permits relate to mining in river beds within the Queenstown Lakes District and will be affected by the amendments made to the PDP relating to mining activities. As set out in this notice, it is considered these decisions on the PDP were made without scope of jurisdiction from submissions lodged.

3 I am not a trade competitor for the purposes of section 308C or 308CA of the RMA.

4 I am interested in all of the proceedings.

5 Without derogating from the generality of the above, I am interested in the following particular issues:

- (a) 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.
- (b) 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.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

6 I support the relief sought because the relief:

- (a) Will achieve the higher order provisions of the PDP;
- (b) Will achieve the provisions of the Otago Regional Policy Statement;
- (c) Will achieve Part 2 of the RMA.

7 I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10<sup>th</sup> day of July 2018

*Maree Baker-Galloway*

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Maree Baker-Galloway/Rosie Hill  
Counsel for the section 274 party

**Address for service of person wishing to be a party**

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**Advice**

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