

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2018-CHC**

**IN THE MATTER**

Of an appeal pursuant to clause 14  
of the First Schedule of the  
Resource Management Act 1991

**BETWEEN**

**BLACKHEAD QUARRIES  
LIMITED**

**Appellant**

**AND**

**DUNEDIN CITY COUNCIL**

**Respondent**

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**NOTICE OF APPEAL**

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**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. Blackhead Quarries Limited ("Blackhead") appeals against a decision of the Dunedin City Council in relation to the Second Generation Dunedin District Plan (2GP Decision)
2. Blackhead made a submission with respect to the Second Generation Dunedin District Plan (OS 874)
3. Blackhead is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Blackhead received notice of the decision on 7 November 2018.
5. The decision was made by Dunedin City Council.
6. The decision Blackhead is appealing is:
  - (a) Quarries and Mining Activities (Cross Plan hearing topic);
  - (b) Chapter 2: Strategic Directions;
  - (c) Chapter 10: Natural Environment;
  - (d) Chapter 14: Manawhenua;
  - (e) Chapter 16: Rural Environment;
7. The reasons for the appeal are:
  - (a) Mineral and aggregate resources are critical for people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Aggregate resources are one of the most fundamental resources required in the on-going development of the City.

- (b) Mineral and aggregate supply is essential to infrastructure (including public infrastructure) growth, particularly in relation to aggregate for building products such as concrete, asphalt and road pavements.
- (c) The 2GP Decision has erred in holding that scheduling is not the most efficient and effective way to manage existing mines and quarries. This will result in inefficient management of these natural and physical resources.
- (d) The 2GP Decision fails to give sufficient weight to the inefficiency and reverse sensitivity effects that result from relying on a resource consenting process for existing quarrying and mining activities.
- (e) The 2GP Decision has erred in holding that mining and quarrying activity outside the existing permitted mine/quarry footprint cannot be a controlled activity. This is inconsistent with Objective 2.3.1 and Policy 2.3.1.8 to enable mining activities.
- (f) The 2GP Decision has erred when it held that establishment of a new quarrying or mining activity cannot be managed as a restricted discretionary activity. This is inconsistent with Objective 2.3.1 and Policy 2.3.1.8 to enable these activities.
- (g) The 2GP Decision fails to recognise the effects of existing activities on the landscape or other values and as a result the plan includes inappropriate overlays.
  - (i) ONL Overlays are inappropriately identified, particularly with respect to areas where they are over existing mining and quarrying sites.
  - (ii) SNL Overlays are inappropriately identified over existing mining and quarrying sites.
  - (iii) Wahi Tupuna Overlays are inappropriately identified over existing mining and quarrying sites.

- (h) The 2GP Decision fails to provide for mining and quarrying activity in rural areas where adverse effects of residential activities are able to be managed.
  - (i) The Objectives and Policies of the 2GP fail to recognise the importance of mining, quarrying, minerals and aggregate to the community and therefore, fails to enable the activity appropriately.
  - (j) The 2GP Decision fails to give effect to the operative Regional Policy Statement. In particular;
    - (i) Objective 5.4.1 and Policy 5.5.8.
  - (k) The 2GP decision fails to implement the proposed Regional Policy Statement. In particular;
    - (i) Objective 4.3 and Policy 4.3.1; and
    - (ii) Objective 5.3 and Policy 5.3.1.
  - (l) The 2GP decision fails to meet the purpose of the Resource Management act 1991.
8. I seek the following relief:
- (a) Relief sought is attached as **Appendix A**
9. I attach the following documents to this notice:
- (a) A copy of Blackheads original submission OS874;
  - (b) A copy of the relevant parts of the 2GP Decision; and
  - (c) A list of names and addresses of persons to be served with a copy of this notice.



Bridget Irving

Solicitor for the Appellant

**DATED** this

Address for service

for Appellant:           Gallaway Cook Allan  
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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 you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. 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*

The copy of this notice served on you does not attach a copy of the relevant decision. 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

## Appendix A – Relief Sought

|    | MATTER / PROVISION<br>(tracked changed version)                 | SPECIFIC REASONS FOR APPEAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RELIEF SOUGHT                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 1. | Scheduling of Quarrying Activity                                | <p>The submission sought the reinstatement of the ‘scheduled activities’ approach for existing lawfully established quarries (which was used in the Operative District Plan for a limited range of quarries). It also sought a permitted activity rule for the operation of an existing lawfully established quarry. It also sought the removal of all Natural Landscape or Natural Coastal Character overlays applying to existing quarries.</p> <p>The decision accepted the submission in part, but refused to extend the ‘scheduled activities’ approach to other existing quarries.</p> <p>The Proposed Plan should recognise the importance of existing quarries to the economy of the District, and enable their ongoing operation and development. Such an approach will promote economic wellbeing (s5 RMA) and is consistent with the principle of efficient use and development of natural and physical resources (s7(b) RMA).</p> <p>A scheduling approach also provides planning clarity for the public by identifying where existing quarries are located and signalling that those activities are expected to continue into the future.</p> | <p>Seek New Rules as Follows:</p> <ol style="list-style-type: none"> <li>1. Retain Rule 6.5.8(ii) of the Operative District Plan (in whatever form that is appropriate) so that existing mining activities (including quarries) can be scheduled activities within the Proposed District Plan.</li> <li>2. Alternatively, create a Major Facilities Zone for all existing quarries, complete with the proposed Objectives and Policies proposed in this table.</li> </ol> |
| 2. | Proposed Rule Framework (including amendments to Rules 16.3.3). | <p>The Submission sought a cascade of activity statuses for existing, extended and new mining activities. More stringent activity status for new activities is considered appropriate to ensure the new activity is appropriately assessed.</p> <p>Providing for existing and extended mines as permitted or</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><u>Permitted activities:</u></p> <ol style="list-style-type: none"> <li>1. <u>Incorporate mining activities (including quarries) listed within Rule 6.5.8 (ii) of the Operative District Plan, along with all other lawfully established quarries.</u></li> <li>2. <u>Amend Table 16.3.3 to include a permitted activity rule for the operation of all existing mining activities</u></li> </ol>                                                                       |

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|  |  | <p>controlled ensures efficient management of existing operations where effects are already accruing within the environment.</p> <p>Discretionary activity status for applications within areas that have identified landscape values (including ONLs) enables a proper assessment of the appropriateness of an application in light of the particular characteristics of the proposed mining activity. It is particularly important in light of the highly directive policies included in the Proposed Plan.</p> | <p><u>(including quarries).</u></p> <p><u>Controlled activities:</u></p> <p>3. <u>The expansion of any mining activity (including quarrying and aggregate processing activities) at a lawfully established operations outside of the permitted footprint is a controlled activity. Councils control is limited to the following matters:</u></p> <ul style="list-style-type: none"> <li>a. <u>Measures to mitigate noise and vibration effects</u></li> <li>b. <u>Measures to mitigate dust generation</u></li> <li>c. <u>Measures to mitigate any visual and landscape effects</u></li> <li>d. <u>Measures to mitigate the adverse effects on the safe and efficient operation of the roading network</u></li> <li>e. <u>Setbacks to water bodies</u></li> <li>f. <u>Hours of operation</u></li> </ul> <p><u>Restricted Discretionary Activity</u></p> <p>4. <u>The establishment of new mining activities (including quarrying and/or aggregate processing activities) on a Rural or Industrial zoned site is a restricted discretionary activity provided it is not located within a 'Natural Landscape' and 'Natural Coastal Character' overlay area. Council's discretion is limited to the following matters:</u></p> <ul style="list-style-type: none"> <li>a. <u>Measures to mitigate noise and vibration effects</u></li> <li>b. <u>Measures to mitigate dust generation</u></li> <li>c. <u>Measures to mitigate any visual and landscape effects</u></li> <li>d. <u>Measures to mitigate the adverse effects on the safe and efficient operation of the roading</u></li> </ul> |
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|    |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><u>network</u></p> <p>e. <u>Setbacks to water bodies</u></p> <p>f. <u>Hours of operation.</u></p> <p>g. <u>Progressive restoration and rehabilitation of the site including landscaping.</u></p> <p><u>Discretionary Activities</u></p> <p>5. <u>The establishment of new mining activities (including new quarrying and/or aggregate processing activities) on a Rural or Industrial zoned site that is within a 'Natural Landscape' and 'Natural Coastal Character' overlay area (including in a ONL overlay zone) is a discretionary activity.</u></p>                                                                                                                                                          |
| 3. | Proposed Objective and Policy Suite. | <p>The submission sought a suite of objectives and policies to recognise the benefits of minerals activities, to enable existing activities, and provide for new development subject to methods to avoid, remedy or mitigate adverse effects.</p> <p>Policy 2.3.1.8 is very limited in scope and does not adequately enable mining activities that will be required in order for the community to provide for its economic, social and cultural wellbeing. The proposed objectives and policies recognise the significant economic and social wellbeing benefits that arise from minerals activities. It is critical that the Proposed Plan's objectives and policies address the positive effects of activities – not only negative effects. A balanced suite of objectives and policies is particularly critical for activities that are non-complying and therefore subject to the s104D RMA gateway test.</p> | <p><u>New Suite of Objectives as follows:</u></p> <p>6. <u>Objective 1: Recognition of Mineral Resources:</u></p> <p>a. <u>To recognise the importance of mineral resources to the economy and infrastructure of the District.</u></p> <p>7. <u>Objective 2: Existing Aggregate Extraction and Processing:</u></p> <p>a. <u>To enable the ongoing operation and development of lawfully established mining activities (including aggregate extraction and processing activities).</u></p> <p>8. <u>Objective 3: Development of Mineral Resources:</u></p> <p>a. <u>To enable the development of mineral resources (including aggregate) and their exploration, extraction, processing and transportation in a</u></p> |

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|  |  |  | <p><u>manner that appropriately avoids, remedies or mitigates any adverse effects on the environment.</u></p> <p>9. <u>Objective 4: Reverse Sensitivity:</u></p> <p>a. <u>To ensure that existing mining activities (including aggregate extraction, processing and transport activities) are not unduly compromised or constrained by the location of activities sensitive to the existing mining activity</u></p> <p>b. <u>To ensure sensitive activities are not located and/or designed so that access to potential significant mineral resources (including aggregate) is unduly restricted.</u></p> <p>10. <u>Objective 5: Residual Environmental Effects of Mining Activities:</u></p> <p>a. <u>To take into account offsetting measures when determining whether a proposal is consistent with sustainable management.</u></p> <p>b. <u>To recognise that in some circumstances not all environmental effects of mineral extraction and processing activities can be avoided, remedied or mitigated, and to have regard to any environmental compensation measures offered in those circumstances.</u></p> <p>11. <u>Policy 1: Access to Mineral Resources</u></p> <p>a. <u>To identify the location of known mineral resources (including aggregates) so that access to and extraction, processing and transport of</u></p> |
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|  |  |  | <p><u>them is not restricted by the development of new residential allotments and new sensitive activities located in close proximity to the resource</u></p> <p>12. <u>Policy 2: Reverse Sensitivity</u></p> <p>a. <u>New residential allotments and new sensitive activities shall be located and/or designed so that they will not:</u></p> <p>i. <u>Unduly constrain or compromise existing mining activities (including aggregate extraction, processing and transport activities); or</u></p> <p>ii. <u>Be significantly affected by existing mining activities (including aggregate extraction, processing and transportation activities).</u></p> <p>13. <u>Policy 3: Locational constraints</u></p> <p>a. <u>In assessing the appropriateness of the location of any new mining activity (including aggregate extraction or processing activities) proposed within the District, particular regard should be given to:</u></p> <p>i. <u>the constraints imposed by the location of the resource and any logistical or technical requirements to access the resource which may prevent some adverse effects from being avoided, remedied or mitigated.</u></p> <p>ii. <u>allowing adverse effects that cannot be</u></p> |
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|  |  |  | <p><u>avoided, remedied or mitigated due to such constraints.</u></p> <p>iii. <u>The high economic cost and environmental impact of transporting aggregate resources over long distances, particularly where alternatives exist for onsite processing</u></p> <p>14. <u>Policy 4 – Methods to avoid, remedy or mitigate the adverse effects</u></p> <p>a. <u>When assessing the effects of any new mining activity (including aggregate extraction or processing activity), the following methods proposed to avoid, remedy or mitigate the adverse effects on the environment will be given specific consideration:</u></p> <p>i. <u>The ability to offset adverse effects and the measurable outcomes that this form of mitigation achieves.</u></p> <p>ii. <u>Environmental compensation (including measures or compensation which benefit the local environment or community affected) where there are any residual environmental effects that cannot be avoided, remedied or mitigated;</u></p> <p>iii. <u>Design measures which provide for operational requirements which may also complement and provide for mitigation opportunities;</u></p> <p>iv. <u>Adaptive management measures</u></p> |
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|    |                                    |                                                                                                                                                                                                                                                                                                                            | <p><u>available to assist with avoiding, remedying or mitigating adverse effects;</u></p> <p>v. <u>The progressive rehabilitation and final reinstatement of the site affected by the proposal using good practice methods where this is possible.</u></p> <p>15. <u>Policy 5 - Lawfully established mining activities</u></p> <p>a. <u>To provide for the ongoing operation and development of lawfully established mining activities (including aggregate extraction, processing and transport activities), where the environmental effects of such activities can be adequately mitigated.</u></p> |
| 4. | Hazard – Land Instability Overlay  | It is appropriate to recognise the existing activities that are already occurring and where effects have already accrued and can continue to do so lawfully. Mine/Quarry operators are able to manage the risks associated with these hazards on their operations.                                                         | Remove all the ‘Hazard 2 Land Instability’ overlay and associated provisions as they apply to any existing mining activities (including quarries).                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5. | Wahi Tapuna Sites Overlay          | It is appropriate to recognise the existing activities that are already occurring and where effects have already accrued and can continue to do so lawfully.                                                                                                                                                               | Remove all Wahi Tupuna Sites overlay and associated provisions as they apply to existing mining activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6. | Objective 2.4.4 and Policy 2.4.4.3 | <p>The submission sought the deletion of the natural landscapes and natural features objective and supporting policies.</p> <p>Objective 2.4.4 and Policy 2.4.4.3 are inconsistent with section 6(b) of the RMA, which qualifies the requirement to protect ONLs by reference to ‘inappropriate’ subdivision, use, and</p> | <p>Amend Policy 2.4.4 and 2.4.4.3 as follows:<br/>Dunedin's outstanding and significant natural landscapes and natural features are protected <u>from inappropriate subdivision, use and development</u>.</p> <p>Protect <u>from inappropriate subdivision, use and development</u> the values in identified Outstanding Natural Feature (ONF),</p>                                                                                                                                                                                                                                                   |

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|     |                                                                                            | development.                                                                                                                                                                                                                                                                                                                                                                                      | Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones by listing these values in Appendix A3 and using rules that: ...                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8.  | Policy 10.2.1.8 Now replaced with 10.2.1.W and 10.2.1.X and 10.2.1.Y                       | Minerals and Aggregate extraction is constrained by location. i.e. the activity needs to take place where the resource is located. Given that it may not be possible in all cases to avoid areas with indigenous vegetation. Therefore it is appropriate for the policy to recognise the need to avoid, remedy or mitigate such effects and for offsets and compensation options to be available. | Amend Policy 10.2.1.W:<br><del>Only</del> allow land use, development and city-wide activities <u>where adverse effects on biodiversity values are avoided, remedied or mitigated.</u> <del>maintained or enhanced</del>                                                                                                                                                                                                                                                                                                                                                                                               |
| 9.  | Policy 10.2.3.4 and associated Policies 10.2.3.2                                           | Minerals and Aggregate extraction is constrained by location. i.e. the activity needs to take place where the resource is located. Given that it may not be possible in all cases to avoid areas within the Coastal Character Area. Therefore it is appropriate for the policy to recognise the need to avoid, remedy or mitigate such effects.                                                   | Amend Policy 10.2.3.4:<br><del>Only</del> allow mining, landfills, crematoriums, large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale in the Natural Coastal Character Overlay Zone (NCC) where <u>significant</u> adverse effects on the natural character values identified in Appendix A5 will be avoided <u>remedied or mitigated</u> <del>or, if avoidance is not practicable, no more than minor.</del><br><br>Amend Policy 10.2.2.4 by added mining to the exemptions for Rural Activities to be clear that Policy 10.2.3.4 and 10.2.3.Y apply. |
| 10. | Policy 10.2.3.Y (Policy 10.2.3.6 in the clean copy of the decisions version November 2018) | This is a new policy related to 10.2.3.4 above, it recognises the potential for locational constraints. Given that mining activities can be subject to such constraints it is appropriate to provide for mining in this policy.                                                                                                                                                                   | Amend Policy 10.2.3.Y by including reference to 'mining' as follows:<br><del>Only</del> allow public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, <u>mining</u> , natural hazard mitigation activities and transportation activities in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 are avoided or,                                                                |

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| 11. | Policy 10.2.5.15 and associated Policies 10.2.5.4<br><br>(Policy 10.2.5.6 and Policy 10.2.5.2 respectively in the clean copy of the decisions version November 2018) | <p>The Submission sought amendments to 10.2.5.6. The Decision has deleted mining from this policy and included it within 10.2.5.15.</p> <p>Policy 10.2.5.15 only allows mining activities with “insignificant” landscape effects to be considered. In the context of the non-complying activity status that applies to mining activities within ONLs, this policy effectively prohibits mining activities.</p> <p>Section 6(b) of the RMA requires the protection of outstanding natural landscapes from inappropriate use and development. It does not require a ‘prohibit’ approach, and neither do any higher level planning documents applying to ONLs generally.</p> <p>The Policy does not allow a proper assessment of the appropriateness of an application in light of the particular characteristics of the proposed mining activity. It does not allow the potential environmental effects of an activity to be considered alongside the benefits of an activity.</p> <p>The Policy’s concept of “insignificant” landscape effects is unclear and does not enable ready understanding of the scale of effects that are considered to be appropriate in the relevant zone. It would be more appropriate and consistent with good resource management practice for the policy to provide restrictions where effects cannot be avoided, remedied or mitigated.</p> | <p>Amend Policy 10.2.5.15 as follows:<br/><del>Avoid</del> <u>Allow</u> mining and landfills in the Outstanding Natural Landscape Overlay Zone (ONL) overlay zones <del>unless where</del> any adverse effects on the landscape values of the ONL as identified in Appendix A3 <del>are insignificant</del> <u>can be avoided remedied or mitigated.</u></p> <p>Amend Policy 10.2.5.4 by adding mining to the exemptions for Rural Activities to be clear that Policy 10.2.5.15 and 10.2.5.Z apply, as follows:</p> <p><del>Avoid</del> <u>Allow</u> buildings and structures, rural activities (except for farming, grazing, rural ancillary retail, rural tourism and rural research – small scale), residential activities (except for working from home), commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), <u>mining</u>, industrial activities, major facility activities, substations, and network utility structures - large scale (excluding amateur radio configurations) in the Outstanding Natural Feature Overlay Zone (ONF), <del>unless where</del> any adverse effects on the landscape values of the ONF as identified in Appendix A3 are insignificant..</p> |
| 12. | Policy 10.2.5.X                                                                                                                                                      | Minerals and aggregate activities are necessary in order to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Delete Policy 10.2.5.X:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|     | (Policy 10.2.5.1 in the clean copy of the decisions version November 2018)          | enable the community to provide for its wellbeing. The community cannot choose where these resources are located, and in some cases they are found in areas that also have identified landscape values. This directive policy is inappropriate as it does not allow a proper assessment of the appropriateness of an application in light of the particular characteristics of the proposed mining activity. It does not allow the potential environmental effects of an activity to be considered alongside the benefits of an activity. | <del>Avoid landfills and mining in the Outstanding Natural Feature Overlay Zone (ONF).</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 13. | 10.2.5.Z<br><br>(10.2.5.8 in the clean copy of the decisions version November 2018) | This is a new policy related to Policy 10.2.5X, 10.2.5.15, 10.2.5.6 and 10.2.5.7. Given the locational constraints that mining activities face it is appropriate for mining to be included within Policy 10.2.5.Z                                                                                                                                                                                                                                                                                                                         | Amend Policy 10.2.5.8 as follows:<br><br><del>Only</del> allow large buildings and structures, earthworks – large scale, public amenities, substations, network utility poles and masts – small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures – large scale, <u>mining</u> , transportation activities and natural hazard mitigation activities in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix A3 are: a.insignificant, or b.where there are no practicable alternative locations, adequately mitigated. |
| 13. | Policy 14.2.1.4                                                                     | It is appropriate to acknowledge where existing activities are already lawfully taking place.<br>The recognition of Wahi Tupuna sites at existing mining (including quarrying) sites is inconsistent with the existing and ongoing use of those sites. The overlay and the Policy do not provide the appropriate level of protection for existing mining activities or make adequate provision for the development of                                                                                                                     | Amend Policy 14.2.1.4:<br>Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not practicable, are no more than minor, <u>except where these activities are already within the existing environment.</u>                                                                                                                                                                                                                                                                                                                               |



|     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|     |                 | new mining activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 14. | Policy 16.2.1.2 | It is inappropriate for the activities that are to be provided for in the Rural Zones to be restricted in this way. The appropriate time to carry out the assessment exercise is when assessing an application.                                                                                                                                                                                                                                                        | Amend Policy 16.2.1.2:<br>Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed. <del>in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.</del>                                                                                                                                                                                                                                                                                                        |
| 15. | Policy 16.2.2.5 | Policy 16.2.2.5 addresses amenity effects on surrounding residential activities. The policy effectively prohibits activities that cannot avoid or 'adequately' mitigate such effects. It is unclear what 'adequately' means in this context and Blackhead suggests that reference to avoid or mitigate is sufficient and will allow an assessment to be undertaken at the time an application is made when the various adverse and positive effects can be considered. | Amend Policy 16.2.2.5<br><del>Only allow</del> <u>Allow</u> rural tourism - large scale, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where <u>significant</u> adverse effects on the amenity of residential activities on surrounding properties are <u>avoided remedied or mitigated</u> <del>will be avoided or, if avoidance is not practicable, adequately mitigated.</del> |
| 16. | Policy 16.2.3.4 | Mining activities are critical to support the community. Enabling them where rehabilitation will take place will assist in achieving sustainable management.                                                                                                                                                                                                                                                                                                           | Amend Policy 16.2.3.4:<br><del>Only allow</del> <u>Enable</u> mining and landfills where there is reasonable certainty that land will be <del>restored or</del> rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 17. | Policy 16.2.3.5 | Policy 16.2.3.5 addresses rural character and visual amenity effects. The policy effectively prohibits activities that cannot avoid, or minimise as far as practicable, such effects. The strong direction to avoid or minimise adverse effects is inappropriate                                                                                                                                                                                                       | Amend Policy 16.2.3.5:<br><del>Only allow</del> <u>Enable</u> intensive farming, rural tourism - large scale, rural industry, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|     |                                                                                                  |                                                                                                 |                                                                                                                                                                                                                          |
|-----|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                  | in relation to character/amenity matters, which are not the subject of s6 or s7 RMA protection. | scale, mining and landfills where adverse effects from large scale development on rural character and visual amenity will be avoided <del>or minimised as far as practicable.</del> <u>remedied or mitigated.</u>        |
| 19. | New blasting standards in 16.5.14                                                                |                                                                                                 | Delete 16.5.14.1.d (as it relates to small scale earthworks).                                                                                                                                                            |
| 21. | Assessment Criteria 10.6.2.5 (10.7.2.4 in the clean copy of the decisions version November 2018) |                                                                                                 | Delete 'Mining' from Rule 10.6.2.5 assessment criteria                                                                                                                                                                   |
| 22. | Table 11.2 (Table 11.1.3A in the clean copy of the decisions version November 2018)              |                                                                                                 | Amend Table 11.2, so that mining is classified as a 'least sensitive activity'                                                                                                                                           |
| 23. | Rule 14.5.2.3                                                                                    | To give effect to the submission in relation to Policy 14.2.1.4                                 | Amend to include an additional 14.5.2.3(d): <u>Whether the activity is already existing in the environment and the contribution that activity makes to the social, economic and cultural wellbeing of the community.</u> |

Address for service

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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 you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. 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*

The copy of this notice served on you does not attach a copy of the relevant decision. 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.

| Table of Submitters to be served with this Notice                                                                               |                                                              |                                         |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------|
| Submitter                                                                                                                       | Physical Address (if required)                               | Contact address                         |
| Dunedin City Council                                                                                                            | PO Box<br>5045,<br>Dunedin<br>9054                           | 2gpappeals@dcc.govt.nz                  |
| Aurora Energy Limited                                                                                                           |                                                              | joanne.dowd@thinkdelta.co.nz            |
| Carrowmore Properties Ltd (on behalf of the "Pigeon Flat Road Group") Robyn and Stephan Smith, Rick and Jill Clarke, Alan Brown |                                                              | Derek.mclachlan@gallawaycookallan.co.nz |
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