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**THIRD BRIEF OF SUPPLEMENTARY EVIDENCE OF ELIZABETH JANE WHITE  
UFD (MINERAL EXTRACTION)**

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**Qualifications and Experience**

- 1 My qualifications and experience are set out in paragraphs [1] to [3] of my first statement of supplementary evidence dated 11 October 2022.

**Code of Conduct**

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023. I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

**Scope of Evidence**

- 3 On 27 January 2023, the Hearing Panel directed:

*“...s.42A report writers to reconsider whether to advance potential amendments to various affected chapters of the pOPRS to address effects arising from any potential consent pathway for mineral extraction activities, in response to evidence advanced by Claire Hunter for Oceana Gold (NZ) Limited”.<sup>1</sup>*

- 4 This supplementary statement of evidence therefore focuses on this matter. It should be read in conjunction with the supplementary statement of Felicity Boyd.<sup>2</sup>

**Mineral Extraction in the UFD Chapter**

- 5 Ms Hunter considers that amendments to provisions managing highly productive land to align with the National Policy Statement for Highly Productive Land 2022 (NPSHPL) (by narrowing their application to “land-based primary production” rather than “primary production”) result in a gap in the pORPS for recognition of mineral extraction

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<sup>1</sup> Minute 5 dated 27 January 2023.

<sup>2</sup> Second brief of supplementary Evidence of Felicity Ann Boyd, Mineral Extraction (24 February 2023).

activities.<sup>3</sup> I understand she considers that this gap arises partly because the UFD chapter does not adequately recognise that mining and extractive industries are also legitimate rural activities. She considers that there should be a legitimate means of assessing these activities, according to their merits, in a consenting process.<sup>4</sup>

6 Ms Boyd has responded to these points in Ms Hunter's evidence at paragraphs 14-16 of her evidence. I agree with her view that the narrowing the application of some provisions, including UFD-P7, to "land-based primary production" does not result in a significant gap. I agree that there are a number of provisions in the UFD chapter that still apply to mining and extraction; namely those applying to primary production and to rural industry.<sup>5</sup> I do not agree with Ms Hunter that the UFD chapter does not adequately recognising that mining and extractive industries are also legitimate rural activities.

7 In regard to Ms Hunter's concerns about provision of a consenting pathway, I note that an RPS does not provide rules and therefore a consenting pathway, in my view, would only be precluded if the RPS effectively directed that plans preclude such a pathway. Having considered the provisions in the UFD chapter, I do not consider that any of the direction would necessitate district or regional plan provisions to preclude the assessment of mining activities through the resource consent process. This is because the provisions seek to facilitate primary production and rural industry in rural areas and include specific recognition of the benefits and requirements of mineral and aggregate resources/activities (UFD-O4 and UFD-P7(4)). Activities which may need to be restricted are instead those non-rural activities which could adversely affect existing or potential primary production and rural industry activities (UFD-P7(6)).

### **Re-drafting of UFD chapter**

8 Since issuing Minute 5, the Hearing Panel issued Minute 7, which directs the redrafting of the UFD chapter, including changes I may wish to recommend as a result of evidence presented to the hearing.<sup>6</sup> This is to be circulated to submitters to allow them the opportunity to comment. This will allow for Ms Hunter to identify if any changes I recommend to the UFD chapter sufficiently address the issues raised in her evidence.

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<sup>3</sup> Claire Hunter (OGL) para 5.28.

<sup>4</sup> Claire Hunter (OGL) para 5.28.

<sup>5</sup> Brief of Second Supplementary Evidence of Felicity Ann Boyd, Mineral Extraction (24 February 2023) paras 14-16.

<sup>6</sup> Minute 7 dated 16 February 2023.



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Elizabeth Jane White

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24 February 2023