

**BEFORE THE INDEPENDENT HEARING PANELS**

**IN THE MATTER** of the Resource  
Management Act 1991(**RMA**)

**AND**

**IN THE MATTER** of Proposed Change 1 to the  
Regional Policy Statement for  
the Wellington Region –

**& IN THE MATTER** of Hearing Stream 1 (HS1)  
Overview and General  
Submissions

**SUBMITTER** Winstone Aggregates

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**STATEMENT OF PLANNING EVIDENCE OF PHILIP WAYNE HEFFERNAN ON  
BEHALF OF WINSTONE AGGREGATES  
DATED: 13 JUNE 2023.**

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## 1. SUMMARY OF EVIDENCE

- 1.1. The proposed PPC1 has significant implications for Winstone Aggregates (**Winstone**) and its ability to meet the region's demand for aggregate while addressing environmental and biodiversity concerns.
- 1.2. There exist substantial concerns over the expansive scope of Proposed Plan Change 1 (**PPC1**). The high number of provisions identified as Freshwater Planning Instruments (**FPI's**) raises issues surrounding potential restrictions to appeal rights and the need for a more targeted approach to freshwater quality enhancement.
- 1.3. The section 32 (s32) report lacks a robust cost-benefit analysis and its perceived failure to adequately address potential impacts on sectors such as the aggregate industry.
- 1.4. Proposed amendments within PPC1, especially those concerning biodiversity offsetting and compensation, have been reviewed. Concerns arise from inconsistencies with the extant legislative framework, applicable case law, and the introduction of new definitions in PPC1 without clear rationale or alignment with the Resource Management Act (RMA).
- 1.5. The section 42A Officer Report's treatment of the allocation of provisions between the Freshwater Planning Process (FPP) and the P1S1 process in PPC1 is considered insufficient for not providing an adequate resolution to these issues.
- 1.6. Several stakeholders, including Winstone Aggregates, underscore the necessity of recognising aggregate extraction within PPC1. This is set against the backdrop of an anticipated increase in demand due to the National Policy Statement on Urban Development (NPS-UD).
- 1.7. A request for a comprehensive approach in PPC1, that considers the economic, social, and environmental aspects of aggregate extraction, while also prioritising the protection of indigenous biodiversity and ecosystems is asked for. This approach should ideally be consistent with National direction in the NPS- FW, NPS-HPL and the final version of the National Policy Statement for Indigenous Biodiversity (NPS-IB), ensuring a holistic consideration of these key factors.

## **2. INTRODUCTION**

- 2.1. My name is Philip Wayne Heffernan, and I am contracted as a Principal Planner and a Project Manager at Winstone Aggregates (**Winstone**). I have been fulfilling these roles since 2023.
- 2.2. I hold a Bachelor of Applied Science degree in Natural Resource Management from Massey University, and I am an Associate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 2.3. With over 19 years of experience in resource management and planning in New Zealand, I have worked in both the public and private sectors, managing planning teams, overseeing projects, preparing resource consent applications, providing expert evidence at hearings and resource management and planning advice to a diverse range of clients.
- 2.4. Prior to my work with Winstone, I served as the Planning Manager and Principal Planner at Wood and Partners Consultants from 2015 to 2022. Previously, I held positions with at Babbage Consultants Limited, Jacobs (formerly Sinclair Knight Merz) and Auckland City Council.
- 2.5. In this instance, I am representing Winstone Aggregates and providing Planning evidence to support their submissions. I confirm I am authorised to give evidence on their behalf.
- 2.6. I confirm that I have complied with the Environment Court's Code of Conduct for expert witnesses, as stated in the Environment Court of New Zealand's Practice Note 2023. In preparing this evidence, I affirm that my expertise covers the matters discussed unless I explicitly rely on the evidence of others. Moreover, I confirm that I have considered all material facts known to me that may impact or detract from my stated opinions.

## **3. SCOPE OF EVIDENCE**

- 3.1. The purpose of my evidence to provide a planning evaluation of the Winstone Aggregate submission, other relevant submissions, the 42A report and Proposed Change 1 (PPC1) itself.

3.2. My evidence will address the following matters:

- Background to Winstone Aggregates and their submission;
- General Overview of PPC1 – and its implications for Winstone Aggregates;
- Review of relevant submissions and evidence;
- Review of section 32 Evaluation Report;
- Discussion on section 42A officers' report; and
- Concluding remarks.

#### **4. BACKGROUND**

- 4.1. Winstone Aggregates, (a division of Fletcher Concrete and Infrastructure), holds a prominent position in the aggregates industry in New Zealand. With a rich history dating back to the 19th century, Winstone has established itself as the largest manufacturer and distributor of aggregates in the country. The company operates numerous extraction sites across New Zealand, including the Wellington region, where it plays a significant role in meeting the demand for aggregates.
- 4.2. In the Wellington region, Winstone operates several quarries, including Belmont Quarry, Otaki Quarry and Petone Quarry. These operations provide a local and reliable source of aggregates for various construction projects in the region. Winstone's quarries in the Wellington area have been longstanding contributors to the Wellington Regional market, providing a local source of essential materials for roading, construction, and infrastructure development.
- 4.3. The demand for aggregates in the Wellington region is driven by population growth and ongoing infrastructure projects. Major initiatives such as the Wellington Northern Corridor, which includes projects such as Transmission Gully. They required a substantial volume of aggregate. Current projects such as River Link will continue this demand. Winstone is well-positioned to meet this demand, leveraging its operational quarries and extensive expertise in aggregate production and distribution.
- 4.4. The importance of aggregates to the Wellington region's economy cannot be overstated. Aggregates are fundamental to the construction industry, serving as a vital

component in road construction, building projects, and infrastructure development. The availability of locally sourced aggregates is crucial for minimising transportation costs and ensuring a sustainable supply of materials. Aggregates are a vital ingredient in ensuring the Region meets its objectives in terms of provision of sustainable public infrastructure and affordable housing.

- 4.5. However, the aggregate industry often faces challenges in the consenting process and the protection of quarry resources. Winstone emphasises the need for local government support to create a legislative environment that recognises the significance of aggregates, streamlines the consenting process, and safeguards quarry resources from sterilisation and reverse sensitivity effects. By addressing these issues, Winstone aims to continue supplying high-quality aggregates for affordable housing, infrastructure development, and the overall prosperity of the Wellington region. Winstone recognises that its aggregate extraction and associated clean filling of overburden by its nature does result in adverse effects to the environment, and not all of these can be avoided. It seeks to carry out its activities as sensitively and as sustainably as possible.
- 4.6. Winstone Aggregates is committed to long-term sustainability. As part of the Winstone sustainability strategy an Environmental Product Declaration (EPD) for aggregate and sand products was undertaken, making Winstone the first quarry company in New Zealand to do so. Released in February 2022, the EPD covers the embodied carbon of products from eight quarries across the country.
- 4.7. Winstone has significant experience and expertise in large scale environmental offsetting and restoration as part of its quarrying as this has been part of the regulatory framework it operates in for some time. To further demonstrate commitment to sustainability Winstone Aggregates has developed a Positive Biodiversity Plan with the goal of achieving positive biodiversity by 2030. This plan involves implementing voluntary pest control measures across their sites, focusing on degraded native vegetation within ecological districts without existing pest control programs. Winstone plans to invest \$3.2 million by 2030, with an initial investment of \$600,000 in the first year alone.
- 4.8. Winstone Aggregates' efforts in sustainability and biodiversity have been recognised by industry peers. They were awarded the 2022 MIMICO Environment and Community Award for being the first quarry company in New Zealand to produce an EPD for

aggregate and sand products. This prestigious award was determined by popular vote at the QuarryNZ conference.

- 4.9. In addition to biodiversity and sustainability initiatives, Winstone Aggregates conducted a Life Cycle Assessment (LCA) of their products in 2020. Working with environmental services consultancy thinkStep, an assessment of the environmental impacts of their product inputs and outputs, including electricity, diesel, water, waste, and emissions was undertaken. The outcome of the LCA was the EPD, a science-based and independently verified document that communicates transparent and comparable data about the life-cycle environmental impacts of their products.
- 4.10. The EPD not only addresses carbon emissions but also considers the environmental impacts of acid rain, algal blooms, summer smog, energy use, and water consumption. It covers all stages of the product life cycle and adheres to international standards. Winstone Aggregates' EPD supports end users in their commitment to environmental sustainability and seeking credits with relevant rating schemes such as the Infrastructure Sustainability Rating Scheme and Green Star Design and As Built New Zealand v1.0.
- 4.11. Through Winstone Aggregates sustainability efforts, (including biodiversity initiatives) and the production of the EPD, the aim is to further reduce Winstone Aggregates environmental footprint and continue Winstone's national role as environmental leaders in the aggregate industry. Winstone prioritises transparency, environmental protection, and continuous improvement as key pillars of the sustainability strategy.
- 4.12. Winstone Aggregates has introduced the Kotuia Programme, an initiative aimed at improving cultural understanding and building stronger partnerships with Mana Whenua among their senior leaders. The programme comprises a four-day, marae-based wananga (workshop) that seeks to deepen the understanding of core Māori values such as Manaakitanga, Kaitiakitanga, Rangatiratanga, and Mauri.
- 4.13. The programme, which was rolled out earlier in the year, is part of Winstone Aggregates' long-term sustainability plan, and focuses on elements of Te Ao Māori including Tikanga Māori, te Reo Māori, and te tiriti o Waitangi. The Kotuia Programme is being delivered across various Marae throughout the North Island to enhance successful engagement and partnerships with Mana Whenua in the communities it operates in.

## 5. OVERVIEW OF PPC1 - IMPLICATIONS FOR WINSTONE AGGREGATES

- 5.1. The proposed changes in PPC1 have significant implications for Winstone Aggregates. These changes impact aggregate extraction, protection of indigenous biodiversity, and ecological management.
- 5.2. Winstone Aggregates is concerned that the provisions may hinder their ability to meet the increasing demand for aggregate, impacting cost-effectiveness, accessibility, and environmental sustainability.
- 5.3. An approach where values of protection and uses are recognised as necessary to better address conflicts between the protection freshwater quality, indigenous biodiversity, while continuing to ensure that there is sufficient for urban development and aggregate extraction.
- 5.4. The lack of consideration for the interaction between minerals and aggregate with the PPC1 provisions creates a significant policy gap in how to effectively address the inevitable conflicts between these two aspects. The absence of clear guidance on their interaction, such as in the case of freshwater and indigenous biodiversity, renders the current policies unsuitable for accommodating quarrying activities even where the thresholds tests in the NPS-FW are met. This not only sends a concerning message to regional plan and local authorities that they can adopt a similar approach, but it also fails to recognise the distinct nature of quarrying compared to infrastructure providers. Quarrying operations do not possess the same level of recognition or regulatory powers as other organisations for infrastructure projects. It is not a matter of seeking dominance over other values, or that aggregates production will “trump” protection every time but rather taking a sensible approach to the reconciling of those values by ensuring that quarrying is appropriately considered within the planning framework, with its specific requirements and potential impacts duly addressed.
- 5.5. Winstone Aggregates acknowledges the importance of identifying and protecting Significant Natural Areas (SNAs) for the conservation of indigenous biodiversity. However, it is crucial to recognise that quarries need to be located where the mineral resources are. Therefore, Winstone Aggregates opposes any SNA mapping that would include their current land holdings, as it may hinder their ability to extract mineral resources in a sustainable and cost-effective manner. It is essential to strike a balance between biodiversity conservation and the need for practical coexistence with quarrying activities to ensure the continued supply of essential aggregate materials for the

region's infrastructure development.

- 5.6. Winstone Aggregates is particularly concerned with the potential cumulative impact of PPC1, which includes provisions from the National Policy Statement on Urban Development (NPS-UD). While the NPS-UD aims to increase the demand for urban development, and therefore aggregate, the additional hurdles and constraints introduced by PPC1 create challenges from a planning perspective. It is essential to consider the objectives of the NPS-UD, and the potential impacts on aggregate extraction activities, when considering PPC1.

## **6. RELEVANT SUBMISSIONS AND EVIDENCE**

- 6.1. Winstone Aggregates submitted on specific provisions of PPC1, highlighting concerns, proposing amendments, and seeking relief to address the potential impacts on the aggregate industry and its ability to meet regional needs.
- 6.2. Other submitters also expressed their views and concerns regarding the proposed Plan Change, covering a range of issues such as housing supply, infrastructure development, environmental protection, and biodiversity management.
- 6.3. Several submitters, including the following specific submissions Neo Leaf Global (S127.004), WIAL (S148.010, 011 & 059), Forest and Bird (S165.150), WFF (S163.003), DairyNZ (S136.001), and Winstone Aggregates (S162.004), raised concerns regarding the allocation of provisions between the Freshwater Planning Process (FPP) and the P1S1 process in PPC1. They argue that the scope of PPC1 is too broad, and there are too many provisions identified as FPIs. These submitters express concerns about reduced appeal rights and the need for a more focused approach to the maintenance and enhancement of freshwater quality. Winstone Aggregates (S162) aligns with the general sentiment of these submitters regarding the allocation of provisions and shares those concerns.

## **7. REVIEW OF SECTION 32 EVALUATION REPORT**

- 7.1. The section 32 (s32) report under the Resource Management Act (RMA) is an essential tool to evaluate the costs, benefits, and appropriateness of any proposed policies, rules, and other methods in achieving the objectives of the plan.



- 7.2. Upon a review of the s32 report in the context of the PPC1 Winstone Aggregates expresses significant concerns regarding the lack of a robust and comprehensive cost-benefit analysis. The report, in Winstone's view, does not accurately reflect or quantify the potential impacts of the proposed policies, notably on aggregate industry, which is of strategic importance to the region's growth and development or the cost of that to the Region. This has been ignored.
- 7.3. Furthermore, Winstone questions the evidential basis and the interpretation of certain principles, such as biodiversity offsetting and compensation, which are mentioned in the s32 report and included in the PPC1. The proposed changes, in Winstone's view, are at odds with the existing legislative framework of the RMA, relevant case law, and the direction of the Draft National Policy Statement for Indigenous Biodiversity (Draft NPS-IB) if confirmed.
- 7.4. The s32 report seems to apply an overly restrictive interpretation of these principles. Winstone asserts that such an interpretation is likely to hinder the potential for significant biodiversity gains from its quarrying projects, thereby indirectly affecting the aggregate supply vital for the region's infrastructural growth.
- 7.5. Also, Winstone challenges the introduction of new definitions in the PPC1 without a clear understanding of their basis or their alignment with the RMA, case law, (or where they are said to implement the Draft NPS-IB, whether this will be their final form). The absence of a thorough analysis in the s32 report about the impact of these new definitions leaves open questions on their potential effects on the operation of the regional policy statement and decision-making.
- 7.6. In conclusion, Winstone calls for an evidence-based approach in the s32 report, and subsequently, in the PPC1. This approach should not only consider the preservation of indigenous biodiversity and ecosystems but also recognise the strategic importance of the aggregate industry and the benefits of sustainable quarrying activities. Winstone advocates for an approach that aligns with the RMA, National Policy direction, (and if confirmed the forthcoming NPS-IB) while providing a viable pathway for quarrying activities to continue sustainably as per the National Direction on this issue.

## **8. SECTION 42A OFFICER REPORT**

- 8.1. I have conducted a thorough review of the section 42A Officer Report and Appendix

that was prepared in relation to PPC1. These reports provide a comprehensive analysis of the submissions received and offer recommendations for consideration by the Panel.

8.2. The section 42A Officer Report acknowledges the concerns expressed by Winstone Aggregates and other submitters regarding the potential impacts of the proposed Plan Change on aggregate extraction activities, cleanfilling, and aggregate supply. However, it is important to note that the report does not provide adequate relief for their concerns. Specifically, relevant submissions points that have been rejected are:

- S29.005 by Aggregate and Quarry Association (AQA) which request RPS PPC1 not to be finalised before the release of the revised NPS-FM.
- S114.008 Fulton Hogan Ltd submitted that “It is critical that Regional Policy Statements (RPS) recognise and provide for the extraction of aggregate resources....”

8.3. All the above submissions and further submissions by Winstone’s on these points are recommended to be Rejected by the Officer.

8.4. The officers' section 42A report specifically addresses the concerns raised by Winstone Aggregates regarding the allocation of provisions between the Freshwater FPP and P1S1 process (paragraphs 99 to 109). However, the officer's recommendation is for no change. I am concerned at the lack of detailed planning analysis that explains the basis for why provisions were allocated to a particular party, given the importance of the allocation I would have expected this to be more thorough.

8.5. I would like to reiterate Winstone Aggregates' concerns on this particular point. There appears to be a significant level of ambiguity in these provisions regarding the categorisation of Schedule 1 and the FPP. According to the Council's own calculations, approximately 66% of the provisions fall under the FPP process. It seems that even minor aspects affected by the Freshwater Planning Instruments (FPI) have been included. In my professional opinion, a precautionary approach should have been taken, with Schedule 1 being the preferred process in cases of doubt. That process is well known. Most appeals from RPS are settled via Environment Court mediation which is a useful forum for differing regional interests to reconcile and work out their differences and agree to a mutually acceptable solution. There is benefit to this process when dealing with Regional interests.

8.6. In terms of the Councils intention to implement the Draft NPS-IB as part of PPC1 my

view is that this is premature. Drawing on my knowledge and experience, I am well aware of similar processes around New Zealand with this approach and the pitfalls. The implementation of the Special Housing Areas during the Auckland Unitary Plan process has resulted in ongoing issues to this day. As an example, Framework Plans (now widely accepted to be ultra vires under the RMA) are still in some Precincts, as are Affordable Housing provisions and out of date Stormwater requirements. It is crucial to learn from such experiences and ensure that the inclusion of draft or proposed rules does not lead to unintended consequences or constraints on future planning and development.

- 8.7. Furthermore, I would like to reiterate Winstone Aggregates' concerns regarding the lack of recognition for aggregate extraction within PPC1, particularly considering the anticipated increase in demand due to the NPS-UD. The response that later Plan Changes can address the variation in planning documents is not sufficient in my opinion, no timeframe is provided and it does not provide sufficient certainty that this will be addressed. Due to the potential effect of the Policy provisions on aggregate extraction activities it is essential to have aggregate extraction recognised in the PPC1 as the RPS is the foundational document, which will then flow (very quickly given the proposed implementation dates for District Councils) into the other planning documents. Paragraph 131 of the officers' section 42A report recognises this need:

*"The RPS is a higher-order document that must be given effect to by the relevant regional and district plans. Accordingly, it is also necessary for changes to be made to the RPS to support relevant subsequent changes to the PNRP and Wellington region district plans."*

- 8.8. Winstone's have submitted that they consider the Council should wait until the NPS-IB is confirmed, (but in the event that it is progressed despite that), that, the Draft NPS-IB provisions relating to aggregate extraction quarrying and clean filling be recognised at a Policy level in the RPS. I consider it inappropriate to use parts of the Draft NPS but not others. It is selective to only include the protection elements in the RPS and not the corresponding use elements of the NPS's. The Officers response at paragraph 138 of the section 42A report directly addresses Winstone Aggregates' request to include recognition of mineral and aggregate provisions in this way by saying it is "out of scope". The Officer goes on to suggest that the Council may address elements of this through a future Plan Change at a future date once it is Gazetted (paragraph's 141 and 145).

- *Paragraph 145 - "In my opinion, the relief sought by Fulton Hogan, the AQA and Winstone Aggregates (and supporting further submitters) should be rejected because it will be part of a subsequent plan change to the RPS or it applies to the PNRP or district plans."*

- 8.9. I consider Council's approach of including certain areas in PPC1, while excluding others for future Plan Changes, to be problematic and can lead to inconsistency and uncertainty.
- 8.10. My conclusion is that in some parts of PPC1 the Council has adopted too broader approach, and included planning provisions in PPC1, that cannot be said to properly be part of a FPP and should be outside the FPI process. In other areas the Officer being too specific and excluding valid parts of the NPS-FW on the basis that they will be included in future plan changes. This is the basic problem Winstone Aggregate's has with PPC1. I cannot see the Council revisiting the Freshwater provisions at a later date via variation to provide for aggregate extraction. This should be done when there is an opportunity to consider use and protection directives of the NPS-FW as a whole.

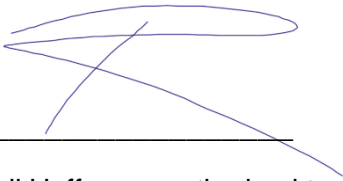
## **9. CONCLUSION**

- 9.1. In conclusion, the proposed PPC1 has significant implications for Winstone Aggregates and its ability to meet the region's demand for aggregate while addressing environmental and biodiversity concerns. The provisions in PPC1 need to comprehensively consider the concerns between protecting indigenous biodiversity and ensuring sustainable mineral resource extraction, which in its current form is lacking.
- 9.2. Specific provisions, such as those related to objectives, policies, and definitions, require amendments to accurately reflect the goals of the National Policy Statements, regional plans, and (if confirmed by Government during the course of PPC1 Hearings) the Gazetted NPS-IB. This includes recognising the benefits of protecting and utilising the region's significant mineral resources, providing clarity on the identification and management of significant indigenous ecosystems and habitats, and allowing for flexibility in offsetting approaches to achieve "big picture" biodiversity gains.
- 9.3. Additionally, the scope of the Freshwater Planning Process needs to be reviewed to ensure that it appropriately focuses on provisions where freshwater is the primary

issue. The recognition and implementation of the Draft NPS-IB should align with its final version to avoid premature and potentially conflicting amendments.

- 9.4. Winstone Aggregates emphasises the need for a comprehensive approach that considers the economic, social, and environmental aspects of aggregate extraction, clean filling activities, and aggregate supply. It is crucial to recognise the importance of these activities in supporting housing supply, infrastructure development, and reducing waste to landfill.

**Signature**

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a solid black horizontal line.

Phil Heffernan authorised to give evidence on behalf of  
Winstone Aggregates.

**Dated** 13 June 2023

## ATTACHMENT A      QUALIFICATIONS AND EXPERIENCE OF PHIL HEFFERNAN

<b>Career Summary</b>	2023 - Now	Project Manager and Principal Planner Winstone Aggregates
	2022- Now	Director and Principal Planner 7Lab Limited
	2015 – 2022	Wood and Partners Consultants Ltd – Planning Manager and Principal Planner
	2014 – 2015	Babbage Consultants Limited - Planning Manager
	2012 – 2014	Jacobs – Auckland Environmental and Planning Team Leader
	2010 – 2012	Jacobs – Senior Planner
	2005 – 2010	Jacobs - (formally Sinclair Knight Merz) - Environmental Planner
	2004 – 2005	Auckland City - Regulatory Planner
<b>Qualifications</b>	Bachelor Applied Science – Natural Resource Management	
<b>Affiliations</b>	Associate New Zealand Planning Institute	
	Member Resource Management Law Association	