

Form 7

**Notice of appeal to Environment Court against decision on proposed
policy statement or plan**

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Wellington

1. Winstone Aggregates, a Division of Fletcher Building Ltd (Winstones, formerly known as GBC Winstone) appeals against a decision/part of a decision of the Wellington Regional Council on the Proposed Natural Resources Plan for the Wellington Region.
2. Winstones made a submission and further submissions on the Proposed Natural Resources Plan for the Wellington Region
3. Winstones is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.
4. Winstones received notice of the decision on 31st July 2019.
5. The decision was made by the Wellington Regional Council.
6. The decision/part of the decision that Winstones is appealing is:

The part of Decision Report 16, Beds of Lakes and Rivers, pages 442 to 445, paragraphs 3.4 to 3.8 of that decision, that refers to the submission by Winstones seeking policy recognition of quarries and related activities in Policy 102, Reclamation or Drainage of Beds of Rivers. The submission sought that such activities should be added to the list of circumstances where an “avoid” policy may not apply.

7. The reasons for the appeal are as follows:
 - a) The decision does not recognise or provide adequately for activities such as quarries and associated activities (as part of the utilisation of significant mineral resources, as defined in the Regional Policy Statement and the proposed Natural Resources Plan), where reclamation or drainage may form an essential part of the activity;
 - b) The decision does not take into account the range of physical circumstances of the Wellington Region, where it is not always possible for quarries to confine such activities to crossing points;

- c) The decision does not take into account the range of physical circumstances of the Wellington Region, where it is not always possible for quarries to confine such activities to ephemeral flow paths (frequently in the highest part of catchments);
- d) The decision is inconsistent with other decisions made on the plan, including changes to objectives, which recognise the social, economic, cultural and environmental benefits of the utilisation of significant mineral resources;
- e) The decision is inconsistent with decisions relating to regionally significant infrastructure, does not recognise and provide for the utilisation of significant mineral resources in a way consistent with Objective O12, and is likely to frustrate the achievement of that objective; and
- f) The decision is wrong in fact and in law.

8. Winstones seeks the following relief:

That Policy 102 is modified to provide an exception for the development and utilisation of significant mineral resources, in a way consistent with those provided for urban development and regionally significant infrastructure. This could be achieved by a new item in the list of exceptions, or by adding a clause to items (c) or (d) in Policy P102. The additional wording would refer to relevant activities as being “part of the utilisation of mineral resources”.

Any alternative means by which the same outcome is achieved.

9. The following documents are attached to this notice:

- a) a copy of the original submission (Appendix A)
- b) a list of names and addresses of persons to be served with a copy of this notice (Appendix B).



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Signature of person authorised to sign
on behalf of appellant

18th September 2019

Address for service of appellant: c/o Winstone Aggregates, 26 Patrick St, Petone, Lower Hutt, 5012

Telephone: 021 665 155

Fax/email: sylviajallan@outlook.com

Contact person: Sylvia Allan

Advice to recipients

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 or service 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 appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

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

APPENDIX A - Copy of the Appellant’s submission to which the appeal relates

The specific provisions of the Proposed Natural Resources Plan that this submission relates to are:

<p>The specific provision of the Proposed Natural Resources Plan that my submission relates to is (please specify the provision/ section number):</p> <p>Policy P102 Reclamation or drainage of the beds of lakes and rivers</p>	<p>My submission on this provision is: →</p>	<input type="checkbox"/> I support the provision <input type="checkbox"/> I oppose the provision <input checked="" type="checkbox"/> I wish to have the specific provision amended
	<p>Reasons for my submission: →</p>	<p>This policy does not allow for the operation, development or management of large quarry activities or cleanfills where reclamation of tributaries may be necessary as a means of operating or managing the activity in a way that minimises the effects of the activity. The policy sets an unreasonably high bar for some activities that are necessary for the social and economic wellbeing of the community.</p>
	<p>I seek the following decision from WRC (give precise details): →</p>	<p>Add reference to quarry activities and major cleanfills in item (d) either by modifying the definition of “regionally significant infrastructure” or by specific mention, and delete items (f) and (g).</p>

APPENDIX B – Names and addresses of persons to be served with a copy of this notice

Greater Wellington Regional Council
RegionalPlanAppeals@gw.govt.nz
 PO Box 11646, Manners St, Wellington 6142

Submitter No.	Submitter Name	Address for Service
S398	Atiawa ki Whakarongotai	PO Box 509, Waikanae 5250
S149	Best Farm Limited, Hunters Hill Limited and Stebbings Farmlands Limited	107B Westchester Drive, Churton Park, Wellington, 6037
S352	Federated Farmers of New Zealand	PO Box 715, Wellington 6140
S145	First Gas Ltd	PO Box 3942, Wellington, 6140
S308	Fish and Game	PO Box 1325, Palmerston North 4440
S84	Hutt City Council	Private Bay 31912, Lower Hutt 5040
S83	Ian Benge and Martin Benge	6 Holmwood Road, Merivale, Christchurch 8014
S99	Kapiti Coast Airport Holdings Limited	PO Box 2313, Wellington 6140
S367	Masterton District Council	C/ Boffa Miskell Ltd, PO Box 11340, Wellington 6142
S143	Maypole Environmental Limited	29a Greenaway Road, Waikanae 5036
S82	Meridian Energy Limited	PO Box 2146, Christchurch 8140
S75	Minister of Conservation	RMA Shared Services, Department of Conservation, Private Bag 3072, Hamilton 3240
S146	NZ Transport Agency	PO Box 5084, Lambton Quay, Wellington, 6145
S163	Porirua City Council	PO Box 50-218, 16 Cobham Court, Porirua, 5240
S29	Powerco	201 Victoria Street West, PO Box 911 310, Victoria St, West Auckland 1142

S157	Queen Elizabeth II National Trust	PO Box 3341, Level 4, 138 The Terrace, Wellington, 6140
S279	Rangitāne o Wairarapa Inc	PO Box 9348, Hamilton 3240
S85	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council	PO Box 2083, Wellington 6140
S353	Royal Forest and Bird Protection Society	PO Box 631, Wellington 6140
S366	South Wairarapa District Council	PO Box 6, Martinborough 5741
S273	Spencer Holmes Limited	PO Box 588, Wellington, 6140
S55	The Oil Companies	201 Victoria Street West, PO Box 911 310, Victoria St, West Auckland 1142
S165	Transpower NZ Ltd	PO Box 11 340, Level 4, Huddart Parker Building, 1 Post Office Square, Wellington 6142
S152	Waa Rata Estate	149 Terrace Road, Reikorangi, RD 1, Waikanae, 5391
S127	Wairarapa Regional Irrigation Trust	316 Queen Street, PO Box 920, Masterton, 5840
S277	Wellington Chamber of Commerce	PO Box 1087, Wellington 6140
S286	Wellington City Council	PO Box 2199, Wellington 6140
S135	Wellington Water Limited	Private Bag 39804, Wellington Mail Centre, Lower Hutt, 5045
S105	Woodridge Homes Limited	PO Box 38098, Wellington Mail Centre, Lower Hutt 5045