

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER

of the Resource Management Act 1991
(RMA)

AND

IN THE MATTER

of hearing submissions and further
submissions on the Greater Wellington
Regional Councils Proposed Change 1 to
the Wellington Region Natural Resources
Plan (NRP-PPC1)

AND

IN THE MATTER

of Hearing Stream 1 (HS1) Overview and
General Submissions

SUBMITTER

Winstone Aggregates (Submitter No.206,
Further submission No.008).

**STATEMENT OF PLANNING EVIDENCE OF CHARLES HORRELL ON BEHALF
OF WINSTONE AGGREGATES**

DATED: 13 MARCH 2025

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1. INTRODUCTION

- 1.1. My name is Charles Price Horrell. I am an Associate Principal Planner at Boffa Miskell Limited, an environmental consultancy that specialises in planning, landscape planning architecture and ecology.
- 1.2. I hold the qualifications of a Master of Resource and Environmental Planning (First Class Honours) from Massey University and a Bachelor of Applied Science from the University of Otago. I am a Full Member of the New Zealand Planning Institute.
- 1.3. I have 10 years' experience in planning and resource management, working for both a local authority and a consultancy. I previously worked as a senior consents planner at Otago Regional Council, processing a wide range of regional resource consent applications, including large scale quarrying and mining activities. Since January 2020, I have been employed by Boffa Miskell as a planner in Wellington office. I have worked on various projects involving resource consents, notices of requirement, and plan change processes for various clients, including both government and private entities. My focus has continued to be on regional planning, both in the policy field as well as consenting.
- 1.4. Most recently, I have assisted Winstone Aggregates (**Winstone**) in the preparation of the submissions and further submissions on the Greater Wellington Regional Council (**GWRC**), Proposed Plan Change 1 to the Natural Resources Plan (**PPC1**).

2. CODE OF CONDUCT

- 2.1. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than where I state that I am relying on the advice of another person, this evidence is 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.

3. CONTEXT

- 3.1. I refer to the Hearing Statement provided by Philip Heffernan on behalf of Winstone Aggregates (**Winstone**) during Hearing Stream 1¹ for relevant background to Winstone's operation in Wellington and its general interest in PPC1.

¹ <https://www.gw.govt.nz/assets/Plans-policies-by-laws/PNRP/Hearing-Documents/HS1/Submitter/S206-Winstone-Aggregates-Statement.pdf>

3.2. As a high-level summary, Winstone operate the Belmont Quarry which is a key supplier of aggregates to the Wellington region. The quarry is located within the Te Whanganui a Tara Whaitua. Winstone generally supports PPC1 and its intent of identifying the long-term visions and Target Attribute States (**TAS**) for the Te Awaruao-Porirua Whaitua and Whaitua Te Whanganui-a-Tara. However, Winstone has concern that PPC1 may not provide for a balanced approach in giving effect to the National Policy Statement for Freshwater Management and may unintentionally hinder current and future quarrying activities within the Whaitua. Winstone's key concerns raised through its original and further submission include:

- The broad application of Freshwater Planning Instruments (**FPIs**), limiting appeal rights on provisions not directly related to freshwater management.
- Whether the target attribute states will be reasonably achievable within the timeframes set.
- Overly restrictive policy and rule framework relating to earthworks and stormwater discharges with no recognition of quarrying activities and their associated regional benefits.
- Lack of Section 32 evaluation, including proportionate cost / benefit analysis, particularly regarding the economic cost/ impact on the aggregate industry of the proposed rule framework.

4. SCOPE OF EVIDENCE

4.1. My statement of evidence is principally focused on the relevant submission points made by Winstone Aggregates (**Winstone**) that have been addressed in the Section 42A Hearing Report, Hearing Stream 2: Objectives and Ecosystem Health policies (**HS2**) of PPC1.

4.2. In particular, I have outlined my response to several matters raised in the Section 42A report that relate to Winstone's submission. Where I have not made specific comment on a matter addressed in the Section 42A report on a Winstone submission point, it can be taken that I have no further comment at this time.

4.3. Throughout my evidence, I have provided discussion and, where appropriate, provided suggestions on how the provisions addressed in my evidence might be amended in line with the relief sought by Winstone.

5. ALLOCATION OF PROVISIONS TO FPP

- 5.1. In its original submission, Winstone raised concern generally over the use of the Freshwater Planning Process (FPP) for provisions throughout PPC1 where freshwater may only be a peripheral issue. I note that Winstone's legal counsel has provided further commentary on this submission point, including a summary of the precedent set in applying the FPP through *High Court in Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc.*² in legal submissions for Hearing Stream 1³.
- 5.2. The reporting officer for the hearing, Ms O'Callahan, has considered Winstone's submission point and the categorisation of provisions to the FPP in Section 3.2 of the Section 42A Hearing Report. Ms O'Callahan agrees with the categorization proposed through PPC1 and has recommended no changes. I agree with Ms O'Callahan's assessment for the allocation of provisions that relate to this hearing stream.

6. TARGET ATTRIBUTE STATES (TABLES 8.4 AND 9.2)

- 6.1. Winstone, in both its original submission⁴ and further submission⁵, raised concern whether the Target Attribute States (TAS) proposed through PPC1 are reasonably achievable within the timeframe set. The NPS-FM requires long term goals and visions to be established by regional councils, and by extension therefore TAS have to be ambitious "yet reasonable."⁶ Winstone raised concern over the level of improvement required in the timeframe (2040) with some attributes required to improve by two or more states⁷, which would appear to require significant land use change. Associated with this, Winstone raised concern that there has been a lack of cost / benefit analysis undertaken to understand the impact of those targets and timeframes. In Winstone's case, there appears to have been a lack of economic analysis to understand the full impact PPC1 may have on its quarrying activities and the quarrying industry more broadly, to provide for long-term aggregate supply for the Region.
- 6.2. While further evidence has been provided in response to Winstone's submission point,⁸ it is noted that Winstone's principal concerns relate to how the methods (policies and rules) proposed through PPC1 are intended to achieve those TAS and the costs of those

² *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc* [2022] NZHC 1777, [2022] NZRMA 565.

³ <https://www.gw.govt.nz/assets/Plans-policies-by-laws/PNRP/Hearing-Documents/HS1/Submitter/S206-Winstone-Aggregates-Legal-Submission.pdf>

⁴ [S206.034]; [S206.062]

⁵ [FS8.028]; [FS8.029]; [FS8.030]; [FS8.034]; [FS8.035]; [FS8.036]; [FS8.038]

⁶ Clause 3.3(2) and Clause 3.11(7)

⁷ For instance, improvements in periphyton biomass moving from D state to B state, and improvements in *e.coli* moving from C state to A state.

⁸ Paragraph [339] of the Section 42A Hearing Report for the Objectives

methods on the sector and the critical supply of aggregate to infrastructure and housing development. Most notably, it is unclear whether quarrying activities will be captured in the rule framework and whether they fall within the rules relating to greenfield development or not. This issue does not appear to have been addressed in the additional evidence filed by Council for this hearing. I appreciate that this may likely only become apparent through future hearing streams and therefore cannot be clarified at this time. Winstone therefore reserves its position until there is a better understanding of how PPC1 will apply to quarrying activities through subsequent hearings. For the purpose of this hearing, I will focus on the high level policy framework.

7. OBJECTIVES

Objective WH.O1

- 7.1. Winstone sought changes to WH.O1⁹ to amend the first bullet point to clarify that Āhua is to be restored where it has been degraded, and to amend the second bullet point to require waterbodies to have planted margins only as far as practicable.
- 7.2. Ms O'Callahan has responded to this submission point by generally accepting the relief sought¹⁰ and has recommended amendments to WH.O1. I support those recommended changes which achieve the intent of Winstone's relief sought.
- 7.3. I would, however, observe that Ms O'Callahan has recommended further changes in response to other submitters, including replacing the reference to 'freshwater bodies' in the objective with relevant defined terms for the intended waterbodies from the RMA and the NRP: i.e., rivers, lakes, natural wetlands and groundwater. While I support those changes which further clarify the direction under this objective, particularly in ensuring that artificial waterbodies are not unintentionally captured, I question whether it would be more efficient and effective to use the broader term of 'surface water body' as defined in the NRP. For plan users, this definition is particularly useful in clarifying that ephemeral watercourses are not anticipated to be captured by this objective which could be the outcome of using the term 'river' as the RMA definition of is not clear whether 'ephemeral waterbodies' are excluded.

⁹ [S206.032]

¹⁰ Paragraphs [153] and [154]

Objective WH.O6

- 7.4. Winstone sought changes to WH.O6¹¹ to amend the reference to ‘protect’ with ‘maintain’ in clauses (b) and (c) of the objective to ensure the direction is consistent with the NPS-FM. Winstone also sought clarification on the term ‘aquifer consolidation’, as referenced in clause (f) of the objective.
- 7.5. Ms O’Callahan has responded to this submission point by generally accepting the relief sought¹² and has recommended amendments to WH.O6. Those changes recommended slightly differ from what had been sought by Winstone, but are supported as they would achieve the intent of the relief sought.
- 7.6. Ms O’Callahan has clarified that aquifer consolidation as follows:

“[A]quifer consolidation can be caused by over extraction. Such effects include land subsidence, contamination between aquifer layers and reduced ability for aquifers to recharge from rivers...”¹³

- 7.7. This explanation does assist in clarifying what is meant by aquifer consolidation, which, from Winstone’s perspective, is unlikely to be relevant for their associated operations. That said, it may assist plan users to include an associated definition. While I understand that this is a technical term which may well be understood by experts, I observe that in a policy sense, it remains subjective and could result in interpretation issues. In my opinion, the explanation provided by Ms O’Callahan is much wider than my understanding whereby the extraction of groundwater leads to the compaction of the aquifer material, thereby lowering the water table. I note that having clearly understood terms is particularly important when the policy directive is to ‘avoid’ those associated effects.

Objectives WH.O9 and P.O6

- 7.8. Winstone sought changes to WH.O9¹⁴ and P.O6¹⁵ to remove clause (c) which, as drafted, set unrealistic requirements and would not account for seasonal shifts in water quality and ecological condition. For instance, if the river or river reach was required to be maintained at an attribute state that represents seasonal improvement in water quality.

¹¹ [S206.033]

¹² Paragraphs [256]

¹³ Paragraph [259]

¹⁴ [S206.034]

¹⁵ [S206.062]

- 7.9. Winstone also raised concern over whether the TAS provided through Tables 8.4 and 9.2 are reasonably achievable within the timeframe set. I note this part of the submission points has already been covered in paragraphs 6.1 and 6.2 above.
- 7.10. Ms O’Callahan has responded to this submission point¹⁶ by recommending changes to clauses (a) and (c). Ms O’Callahan notes that those changes reduce the risk that there is no accounting for normal seasonable variability expected in the monitoring of the TAS. While I agree that those changes assist in resolving Winstone’s concerns (particularly as it relates to progressive improvement), I consider that there remains uncertainty as to how clause (c) will be implemented as drafted and could result in perverse outcomes.
- 7.11. As I understand, this clause relates to any river or river reach that is upstream of a monitoring point indicated in Tables 8.4 or 9.2 that sets the associated TAS. While I agree with the intent of this, I note that there needs to be a consistent and long-term monitoring dataset available to rely upon for each river or river reach in order to evaluate the relevant attribute state. There will be instances where there is insufficient data available to meaningfully identify the state of that river or river reach. This could result in either underestimating or overestimating the attribute state depending on the length and quality of the data. Failure to provide guidance regarding how the measuring occurs means that natural variation such as weather events (a particularly wet winter or flood events) and may wrongly record also short term improvements or deterioration in TAS caused by activities such as short term construction works or intermittent or temporary pausing of discharges associated with consented activities.
- 7.12. I suggest that this could be clarified by including a reference to the need for long term monitoring when identifying the attribute state. I have shown those suggested changes to clause (c) of WH.O9 and P.O6 below with my suggested additions in **blue**¹⁷:

*(c) where any attribute in any river or river reach is in a better state than the target attribute state **based on long term monitoring data**, that attribute is **at least** maintained at the better state **in every river or river reach**, and*
...

8. POLICIES

Policies WH.P1 and P.P1

- 8.1. Winstone sought changes to Policies WH.P1 and P.P1 to:

¹⁶ Paragraph [339]

¹⁷ Changes indicated in red are those recommended by the Reporting Officer (which I support).

- Amend clause (a) to ensure that progressive reductions in concentration of contaminants only relates to waterbodies where improvement is required (e.g. through WH.O9 / Table 8.4),
- amend clause (b) to ensure that restoration of habitats is only where it has been degraded, and
- amend clause (d) to clarify the direction.

8.2. Ms O’Callahan has responded to these submission points¹⁸ by generally accepting the relief and has recommended changes to the Policies WH.P1 and P.P1 accordingly. I support those recommended changes which achieve the intent of Winstone’s relief sought.

Policies WH.P2 and P.P2

8.3. Winstone generally opposed Policies WH.P2 and P.P2, in particular clause (a) which prescribes the activity status (prohibit) of a specific activity, rather than being focused on an adverse effect. Winstone also raised general concern over the approach taken to requiring financial contributions as a form of offset. Winstone considers this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Winstone had sought changes to clause (a) of each policy along with other changes to clause (e) to acknowledge that planting of riparian margins might not always be practicable.

8.4. Ms O’Callahan has recommended that both WH.P2 and P.P2 be deleted as they duplicate other policies, rules and schedules of PPC1. Ms O’Callahan has indicated that consideration of the broader submission points relating to the direction will be provided in future hearing streams. With relation to the changes sought to clause (e), Ms O’Callahan has recommended that the direction be retained, including those changes sought by Winstone, through Policies WH.P27 and P.P25.

8.5. I agree and support Ms O’Callahan’s approach and recommendation to delete WH.P2 and P.P2. I note that Winstone’s concerns associated with the general direction remains, but this will be further considered during later hearing streams. I support the recommended changes to WH.P27 and P.P25 which achieves Winstone’s relief sought to clause (e).

¹⁸ Paragraphs [48] and [51]

9. CONCLUSION

- 9.1. It is apparent that the Reporting Officer and supporting experts have invested considerable time and energy into meaningfully considering and responding to the submission points. I generally support the recommendations of the reporting officer and the associated changes to the relevant objectives and policies of Hearing Stream 2 that have improved the workability of the plan. I have suggested further minor additional changes to WH.O9 and P.O6 as described above to fully satisfy Winstone's relief sought and have suggested that consideration is given to providing a definition for 'aquifer consolidation' to provide greater clarity to plan users.
- 9.2. I acknowledge the further consideration given by Council's advisers to the proposed target attribute states in Tables 8.4 and 9.2, which in part is in response to Winstone's submission. At this point in the hearings process, Winstone does not further question those targets and the associated evidence base. What is of primary concern to Winstone, and its key focus, is how the TAS limits in Tables 8.4 and 9.2 will be implemented and apply to resource / land users through the proposed methods. Should proposed rules for stormwater and earthworks relating to greenfield development apply to quarrying activities, this would pose significant constraints to Winstone's current and future operations through lack of a suitable consenting pathway. GWRC has understandably chosen not to progress the methods (policies and rules) that give effect to the TAS as part of Hearing Stream 2. However, this means that Winstone (and indeed other users) are not able to fully assess the impact of these provisions on them during this hearing stream. Given the uncertainties over how the methods will apply in achieving those outcomes, Winstone is reserving its position but may seek to comment further on these in subsequent Chapters of the plan once it is better informed about how GWRC intends these to apply and how these provisions may change through the recommendations of the reporting officers.



Charles Horrell authorised to give evidence on behalf of

Winstone Aggregates.

14 March 2025

