

**BEFORE THE ENVIRONMENT COURT**

**ENV-2019-WLG-000-120;  
ENV-2019-WLG-000-110; and  
ENV-2019-WLG-000- 116.**

**AT WELLINGTON**

**UNDER**

Clause 24, Schedule 1 of the  
Resource Management Act

**IN THE MATTER**

of appeals on the Proposed Natural  
Resources Plan

**BETWEEN**

**Hutt City Council**

**Masterton District Council**

**Porirua City Council**

**Appellants**

**AND**

**WELLINGTON REGIONAL  
COUNCIL**

**Respondent**

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**MEMORANDUM OF COUNSEL SEEKING LEAVE ON BEHALF OF  
WINSTONE AGGREGATES TO JOIN AS PARTY TO PROCEEDINGS**

**Dated: 22 November 2019**

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**MAY IT PLEASE THE COURT:**

1. Winstone Aggregates is an appellant in respect of Greater Wellington Regional Councils Proposed Natural Resource Plan (“PNRP”). In September 2019 it also filed section 274 party notices in respect of Horticulture New Zealand (ENV-2019-WLG-000103) Transpower New Zealand (ENV-WLG-000108) and Royal Forrest and Bird Protection Society (ENV-2019-000-130).
2. Winstone Aggregates seek leave to file late s274 party notices in respect of the Hutt City Council, Masterton District Council and Porirua District Council appeals. The reasons for Winstone Aggregates support and opposition for those appeals is set out in the table below.

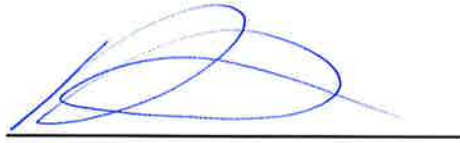
<b>Environment Court Ref No</b>	<b>Name of Appellant</b>	<b>Part(s) of appeal of interest to Winstones</b>	<b>Support/Oppose relief + reasons</b>
ENV-2019-WLG-000120	Hutt City Council	Item 6(a) relating to the recognition and inclusion of solid waste disposal as regionally significant infrastructure	Support, as sanitary landfills and large-scale cleanfills are essential components contributing to social, economic, environmental and cultural wellbeing of people and communities and should be recognised as beneficial uses in the plan.
ENV-2019-WLG-000110	Masterton District Council	Modifications sought to Policy 7, by including regionally significant infrastructure	Support, as the recognition sought is appropriate and recognises important elements of land and water use
ENV-2019-WLG-000116	Porirua City Council	Item 10 of the appeal point, relating to the definition of regionally significant infrastructure	The appeal point is supported in part and opposed in part. The addition of “municipal landfills”, while recognising one type of managed landfill activity as regionally significant infrastructure, does not reflect the range of facilities of a similar nature which provide for essential deposition of a range of types of waste

Environment Court Ref No	Name of Appellant	Part(s) of appeal of interest to Winstones	Support/Oppose relief + reasons
			on a regional or sub-regional basis (including by operators or in circumstances which would not fit the concept of "municipal")

3. Although the matters pertaining to those appeals was pursued by Winstone Aggregates in its original submission and at the Council level hearing, regrettably these were overlooked by Winstone Aggregate staff in their initial review of the appeals filed on the PNRP.
4. This error has only just come to the attention of Counsel, who only received instructions on 15 November 2019.
5. Counsel is aware that at the case management conference on 20 November 2019 a number of parties were in a similar position, having had the opportunity to review the mediation topic table circulated by counsel for GWRC and were seeking leave to belatedly join as s274 parties to various appeals and understands that the Court was amenable to that occurring, given the number of appeals and s274 parties involved and that the appeals are still in their early stages.
6. Leave is therefore respectfully sought in order to file late s274 party interest in respect of the above appeals. A copy of s274 party notice, for the additional appeals is **attached** to this memorandum.
7. Counsel does not consider that any prejudice arises to any other party as a result of the slight delay in joining the appeal, given the appeals are still in very preliminary stages, in the event that the Court is

prepared to allow Winstone Aggregates to join as a party to the additional appeals.

Dated: 22 November 2019

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

**Pherne Tancock**

Counsel for Winstone Aggregates