

**IN THE ENVIRONMENT COURT
AT WELLINGTON
TE KŌTI TAIAO O AOTEAROA**

ENV-2024-WLG-000044

IN THE MATTER

the Resource Management Act 1991

AND

IN THE MATTER OF

An appeal under clause 14(1) of Schedule 1 of
the Resource Management Act 1991

BETWEEN

**ROYAL FOREST & BIRD PROTECTION
SOCIETY OF NEW ZEALAND INC.**

Appellant

AND

WELLINGTON REGIONAL COUNCIL

Respondent

**NOTICE OF INTENTION TO BE A PARTY TO PROCEEDINGS UNDER
SECTION 274 ON BEHALF OF WINSTONE AGGREGATES**

9 December 2024

Solicitor acting

Penelope Ryder-Lewis
Bartlett Law
Level 9, Equinox House
Wellington
Phone: (04) 472 5579
E: prl@btlaw.co.nz

Counsel

P D Tancock/D W Ballinger
Harbour Chambers
Level 1, Wellington Free Ambulance
Building
5 Cable Street
Wellington
Phone: 021 496823
E: phernne.tancock@legalchambers.co.nz
duncan.ballinger@stoutstreet.co.nz

To The Registrar
Environment Court
Wellington

**NOTICE OF INTENTION TO BE A PARTY TO PROCEEDINGS
UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT
1991**

1. Winstone Aggregates (**Winstone**) wish to be a party to the following proceedings:
 - a) Royal Forest and Bird Protection Society of New Zealand Incorporated (**RF&B**) appeal against the decision of the Wellington Regional Council on proposed Plan Change 1 to the Wellington Regional Policy Statement.
2. Winstone made a submission and further submission on proposed Plan Change 1 to the Regional Policy Statement.
3. Winstone is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Winstone is interested in part of the proceedings. The part of the proceedings Winstone is interested in are:
 - (a) Policy 24;
 - (b) Policies 24A, 24C, 24CC and 24D.
 - (c) Policy 29.
 - (d) Policy 39.
 - (e) Policy 47.
5. And any consequent amendments or other relief arising from the appellant's appeal on these points.

6. Winstone made a submission and further submission on these provisions. Winstone has also filed a Notice of Appeal on RPS-PC1 appealing these provisions (ENV-2024-00051)
7. Winstone is the largest manufacturer and distributor of aggregates in the country. The company operates several quarries in the Wellington Region including Belmont Quarry, Otaki Quarry and Petone Quarry. These operations provide a local and reliable supply of aggregates for construction in the region that is essential for roading, construction and infrastructure development. The availability of a locally sourced aggregate 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 of suitable public infrastructure, resilience planning and affordable housing, and underpin's the growth outcomes sought by the NPS-UD.
8. Winstone is interested in the following particular issues addressed in the appeal that would result in changes to the RPS- PC1 that would result in changes to provisions in a manner inconsistent with Winstone's own submission and appeal of these provisions.
9. Winstone's s 274 interest in RF&B's appeal (in summary) is to ensure that the RPS-PC1 and provisions:
 - (a) Properly recognise the importance and benefits of aggregates and quarrying.
 - (b) Ensure that the RPS provides policy recognition and support for continued pathways for quarrying in the region providing security of supply.
 - (c) Ensure that the RPS recognised the site specific nature of aggregate extraction and the need to quarry in areas where the resource is located, protected significant resource deposits from reverse sensitivity effects and Policy that does not recognise the unique characteristics of quarrying.

- (d) Ensure that land long set aside for quarrying activities at its existing sites was not sterilised as a result of the Policy framework implemented through RPS-PC1.
 - (e) That the RPS introduced policy that gave proper effect to NPS-FM, NPS-UD and NPS-IB, in a more balanced and integrated way by ensuring that it gave equal recognition to the use as well as protection elements of those National Directions (including reference to the consenting pathways for quarrying of aggregates and clean-filling and aggregate extraction), including providing for the interaction of those activities.
 - (f) That biodiversity offsetting and availability of the effects management hierarchy remains as articulated in the RMA, National Direction in the NPS-IB and NPS-FM (including the most recent NPS and RMA amendments) and that Council do not seek to impose further undue restrictions by way of regional circumstances that render biodiversity offsetting/ application of the effects hierarchy unavailable which will result in the broadening of scope of land unavailable for quarrying and sterilisation of aggregate resource in the Wellington Region or undermine those consenting pathways provided for quarrying and aggregate extraction in National Direction.
 - (g) Avoids unnecessary duplication.
10. Winstone is **opposed** to the relief sought by RF&B on the basis that the relief sought by RF&B's appeal is inconsistent with the relief sought by Winstone in its appeal and submissions and/or achieve the outcomes set out at paragraph 9.
11. Winstone agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 9 December 2024



P D Tancock / D W Ballinger

Counsel for Winstone Aggregates

Address for service of the appellant:

Penelope Ryder-Lewis at the offices of Bartlett Law, Level 9 Equinox House,
111 The Terrace, Wellington.

Documents for service on the appellant may be left at that address for service
or may be emailed to the solicitor prl@bartlettlaw.co.nz, provided that a copy
is sent to counsel at Pherne.tancock@legalchambers.co.nz and
duncan.ballinger@stoutstreet.co.nz.