

**BEFORE THE INDEPENDENT HEARING PANELS**

**UNDER** the Resource Management Act  
1991.

**IN THE MATTER** of hearing submissions and further  
submissions on Greater Wellington  
Regional Councils Proposed Change  
1 to the Regional Policy Statement.

**Submitter** **WINSTONE AGGREGATES**  
**(Submitter 162)**

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**LEGAL SUBMISSIONS ON BEHALF OF WINSTONE AGGREGATES  
(SUBMITTER 162) ON INTEGRATED MANAGEMENT (HS2)**

**Dated: 3 July 2023**

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## **MAY IT PLEASE THE PANEL:**

1. These legal submissions are filed on behalf of Winstone Aggregates, a Division of Fletcher Building Ltd (“**Winstone**”). Winstone has made a submission (Submitter 162) and a further submission on GWRC RPS Proposed Plan Change 1 (**PPC1**). Winstone has one submission point in the HS2 Chapter.
2. Winstone has filed expert planning evidence from Mr Heffernan on Objective A of this Chapter. That evidence explains the reasoning behind the amendments sought by Winstone in its submission on this Objective.
3. These legal submissions address a discrete point of the inclusion of Objective A in the FPI which has been raised in Hearing Stream 1. Currently the FPP have been exclusively scheduled to hear and decide Hearing Stream 2 (Overarching Issues and Objective, Integrated Management) and make recommendations for this Chapter. These submissions are filed as placeholder submissions on Objective A to preserve Winstone’s position (pending any direction from the Chairs on the allocation issue).
4. Winstone disagrees with GWRC’s decision to allocate Objective A to the FPP process. Objective A is the primary Objective for integrated management across the region. Integrated Management sits across all topics of resource management in the region and while freshwater is an important and discrete part of that, it is not the only matter covered. Objective A has a reach that is broader than freshwater – it deals with all natural and physical resources in the Region and in Winstone’s submission is better allocated to Schedule 1.
5. Viewing Objective A (and more broadly the integrated management Chapter) solely through a freshwater lens risks distorting the intent of both Objective A and the Chapter. Freshwater is only one of many of the natural and physical resources considered here. The Panel should heed the High Court in *Otago*’s warning about the dangers of considering things “primarily from a freshwater perspective,”<sup>1</sup> particularly in instances where it is clear there are other values at play. Integrated management is concerned with interaction of varying environmental elements.
6. Objective A (as notified and text recommended by the Officer), does not make a direct mention of freshwater – it is accepted that it is an important component of natural and physical resource. A number of principles expressed by the High

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<sup>1</sup> *Otago Regional Council v Royal Forrest and Bird Protection Society and others* [2022] NZHC 1777.

Court in *Otago*, particularly in paragraphs [204], [206] [207] and [208] appears to be relevant to Objective A (and decision to include the entire Chapter).

7. Winstone seeks to reiterate the comments of Justice Nason at paragraphs [206] and [207] of the *Otago* decision that the allocation of particular provisions or topics between FPP to Schedule 1 goes to jurisdiction (and the procedural consequence of that allocation). The assignment between Panels does not in any way detract from the overall importance of the Fundamental concepts of Te Mana o te Wai, ki uta ki tai and integrated management of natural and physical resources to the RPS, which Winstone supports.



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**Phernne Tancock.**

Counsel for Winstone Aggregates

**Dated:** the 3<sup>rd</sup> day of July 2023.

