

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management
Act 1991 (**RMA**)

AND

IN THE MATTER of Proposed Lower Hutt
District Plan

AND IN THE MATTER of Hearing Stream 5
(HS5)

SUBMITTER Winstone Aggregates

**STATEMENT OF PLANNING EVIDENCE OF PHILIP WAYNE HEFFERNAN ON
BEHALF OF WINSTONE AGGREGATES**

DATED: 5 August 2026

1. INTRODUCTION

- 1.1. My name is Philip Wayne Heffernan, and I am contracted as a Principal Planner and a Project Manager at Winstone Aggregates (**Winstone**). I have been fulfilling these roles since 2023.
- 1.2. I hold a Bachelor of Applied Science degree in Natural Resource Management from Massey University, and I am an Associate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 1.3. With over 20 years of experience in resource management and planning in New Zealand, I have worked in both the public and private sectors, managing planning teams, overseeing projects, preparing resource consent applications, providing expert evidence at hearings and resource management and planning advice to a diverse range of clients.
- 1.4. Prior to my work with Winstone, I served as the Planning Manager and Principal Planner at Wood and Partners Consultants from 2015 to 2022. Previously, I held positions with Babbage Consultants Limited, Jacobs (formerly Sinclair Knight Merz) and Auckland City Council.
- 1.5. In this instance, I am representing Winstone Aggregates and providing planning evidence to support their submissions. I confirm I am authorised to give evidence on their behalf.
- 1.6. I confirm that I have complied with the Environment Court's Code of Conduct for expert witnesses, as stated in the Environment Court of New Zealand's Practice Note 2023. In preparing this planning evidence, I affirm that my expertise covers the matters discussed unless I explicitly rely on the evidence of others. In preparing this evidence, I have discussed the planning issues with Colin Hopkins and Brooke Dales of DCS Planning Consultants and have taken their advice into account. The opinions expressed in this evidence are my own. Colin Hopkins and Brooke Dales may also attend the hearing as part of Winstone's planning team. I have not omitted to consider material facts known to me that might alter or detract from those opinions.

2. SCOPE OF EVIDENCE

- 2.1. This evidence addresses Winstone submission points 444.3, 444.24 to 444.27, and 444.99 to 444.101.
- 2.2. The section 42A officer generally agrees with Winstone's submission. The officer

recommends removing the Low, Medium and High Flood Hazard Overlays from the Belmont Quarry extent under submission points 444.25 to 444.27 and 444.99 to 444.101, and accepts Winstone's support for NH-P12 under submission point 444.24. I support those recommendations.

- 2.3. In light of the recommended removal of the Flood Hazard Overlays from Belmont Quarry, I do not pursue submission points 444.28 to 444.31. For the mapping relief, I rely on Mr Osborne's evidence at paragraph 22.95 of Appendix B1.
- 2.4. The only remaining matter in disagreement is submission point 444.3 concerning the classification of quarrying activities.

3. FLOOD HAZARD MAPPING

- 3.1. I agree with Council that the flood hazard overlays are unlikely to remain accurate within Belmont Quarry over the life of the Plan. Quarrying progressively changes the landform, site levels, drainage and internal flow paths. In my view, flood hazard within the quarry should therefore be assessed using the current site survey, design and water management information available at the relevant time, rather than relying on a static District Plan overlay.
- 3.2. To avoid ambiguity, the decision version of the planning maps should identify the precise Belmont Quarry extent from which the Low, Medium and High Flood Hazard Overlays are removed.

4. CLASSIFICATION OF QUARRYING ACTIVITIES

- 4.1. At paragraphs 950 and 951, the reporting officer rejects point 444.3 because the definition of quarrying activities includes facilities, such as offices and workshops, that may be damaged and may place employees and customers at risk.
- 4.2. I agree that occupied quarry offices, workshops and other occupied buildings require appropriate natural-hazard management. However, I do not consider that this requires quarrying activity as a whole to be classified as potentially sensitive. Quarrying also includes extraction, processing plant, stockpiles, haul routes, overburden placement and rehabilitation. Those parts of the activity are generally outdoors or have little regular occupancy.
- 4.3. Council's own recommended changes recognise this distinction. Paragraphs 181, 182 and 947 to 949 provide that non-habitable accessory buildings, parts of buildings and structures are activities least sensitive to natural hazards, and the potentially sensitive definition expressly excludes those items. I support those changes.

- 4.4. The definition does not, by itself, regulate extraction, blasting, stockpiling or haulage. It becomes relevant where the Natural Hazards provisions apply the classification to additions, new buildings and structures, conversions and building platforms. My concern is that classifying the whole quarrying activity as potentially sensitive could result in a more onerous consent pathway for quarry development that has little or no regular occupancy.
- 4.5. In my view, the standalone inclusion of “quarrying activity” is unnecessary and duplicates other parts of the definition. Council’s concern relates principally to occupied buildings. That concern can be addressed directly without classifying all quarrying activities as potentially sensitive.
- 4.6. I therefore recommend:
- a. amending the relevant building limb to refer expressly to a “building associated with primary production or quarrying activities”, subject to the existing exclusion for buildings classified as least sensitive to natural hazards;
 - b. excluding quarrying activities from the general “primary production activity” limb; and
 - c. deleting the standalone reference to “quarrying activity”.
- 4.7. This approach retains the potentially sensitive classification for occupied quarry offices, workshops and other relevant buildings. Non-habitable quarry buildings and structures would continue to be classified according to their actual occupancy and potential consequences.
- 4.8. Submission point 444.6 separately seeks to exclude quarrying activities from the definition of industrial activity. I do not seek a decision on that submission point in this hearing, but note that the final definitions should be integrated so that quarrying is not removed from this definition only to be captured again as an industrial activity.
- 4.9. Belmont is an A-grade quarrying operation under the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016. Where ground or strata instability is identified as a principal hazard, regulation 71¹ requires a competent person to complete a geotechnical assessment and requires the relevant principal hazard management plan to address ground or strata instability. These requirements do not replace District Plan controls, but they show that operational quarry hazards are managed through a dynamic, site-specific regime.

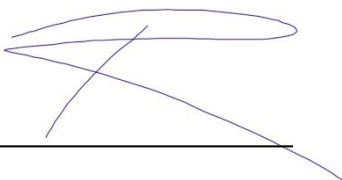
¹ [Health and Safety at Work \(Mining Operations and Quarrying Operations\) Regulations 2016, reg 71.](#)

- 4.10. NPS-I Policy 5² requires decision-makers to recognise and provide for the role of infrastructure-supporting activities, including the operational and functional needs of supporting quarrying operations. In my view, that direction supports a proportionate approach that manages the natural-hazard risk associated with occupied quarry buildings without classifying quarrying activity as a whole as potentially sensitive.
- 4.11. For section 32AA purposes, I consider the amendment more efficient and effective than the section 42A wording. It removes duplicate classification and focuses the definition on the buildings and structures that are actually sensitive to natural hazards. The main risk is that an occupied quarry building could be under-classified. That risk is addressed by expressly including buildings associated with quarrying activities and retaining office activities and other occupied activities within the potentially sensitive category. The relevant hazard provisions and workplace controls would continue to apply.

5. CONCLUSION

- 5.1. I support the section 42A recommendations to accept submission point 444.24 and remove the Low, Medium and High Flood Hazard Overlays from Belmont Quarry under submission points 444.25 to 444.27 and 444.99 to 444.101.
- 5.2. I recommend accepting submission point 444.3 through the amendments in Attachment B. Those amendments retain appropriate natural-hazard controls for occupied quarry buildings while avoiding classification of quarrying activity as a whole as potentially sensitive.

Signature



Phil Heffernan authorised to give evidence on behalf of Winstone Aggregates.

Dated 5 August 2026

²[National Policy Statement for Infrastructure, Policy 5](#)

ATTACHMENT A QUALIFICATIONS AND EXPERIENCE OF PHIL HEFFERNAN

Career Summary	2023 - Now	Project Manager and Principal Planner Winstone Aggregates
	2022- Now	Director and Principal Planner 7Lab Limited
	2015 – 2022	Wood and Partners Consultants Ltd – Planning Manager and Principal Planner
	2014 – 2015	Babbage Consultants Limited - Planning Manager
	2012 – 2014	Jacobs – Auckland Environmental and Planning Team Leader
	2010 – 2012	Jacobs – Senior Planner
	2005 – 2010	Jacobs - (formerly Sinclair Knight Merz) - Environmental Planner
	2004 – 2005	Auckland City - Regulatory Planner
Qualifications	Bachelor Applied Science – Natural Resource Management	
Affiliations	Associate, New Zealand Planning Institute	
	Member, Resource Management Law Association	

ATTACHMENT B

REQUESTED AMENDMENTS TO DEFINITIONS

Proposed additions are shown in **green** underline and proposed deletions are shown in **green strikethrough**.

activity potentially sensitive to natural hazards means a:

...

b. building associated with primary production **or quarrying activities** (excluding residential units, minor residential units, residential activities, or buildings identified as activities least sensitive to natural hazards),

...

o. primary production activity **(excluding quarrying activities)**,

~~p. quarrying activity,~~

q. rural activity, or

r. rural industry,

but excludes any activities most sensitive to natural hazards and activities in clauses (a) to (f) of the definition of activities least sensitive to natural hazards.