

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 7 (HS7)

SUBMITTER Winstone Aggregates

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

Dated: 30 September 2026

**PHERNNE
TANCOCK**

Barrister, Harbour Chambers
phernne.tancock@legalchambers.co.nz
+64 21 496 823
+64 4 992 684

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 in relation to its submission (444) and further submission (F34). I confirm I am authorised to give evidence on its behalf.
- 1.6. I confirm that I have complied with the Environment Court's Code of Conduct for expert witnesses in the Practice Note 2023. The planning opinions expressed in this evidence are my own. Where technical acoustic or vibration matters are discussed, I rely on the separate evidence of Mr Jamie Exeter of Styles Group dated 30 September 2026. I do not independently assess the appropriate numerical acoustic or vibration limits or the measurement methodology.

2. SCOPE OF EVIDENCE

- 2.1. This evidence addresses Winstone Aggregates' Hearing Stream 7 submission points 444.12 to 444.19, 444.32 and 444.33, and 444.35 to 444.38, together with relevant interests arising from further submission F34.
- 2.2. I have reviewed the Council section 42A reports relevant to Winstone's Hearing Stream 7 submission points, including the Light, Noise and Temporary Activities report and appendices, the Noise erratum, and the Earthworks, Signs and Wind reports.

- 2.3. The section 42A recommendations substantially narrow the matters in dispute. I continue to address submission point 444.12 on construction vibration under NOISE-R5.1(a), submission point 444.18 on the daytime Quarry Zone noise limit in NOISE-
- 2.4. APP1, and submission point 444.19 on construction noise. I rely on Mr Exeter on the technical acoustic and vibration matters. In particular, his paragraphs 15 to 29 address the technical basis for the construction vibration relief under point 444.12.
- 2.5. For Winstone's remaining Hearing Stream 7 points, I support the section 42A outcomes or consider no further relief is required. I deal with those matters briefly below.

3. NOISE

- 3.1. Most of Winstone's Noise submission points are accepted or otherwise addressed by the section 42A recommendations. The matters I continue to pursue are 444.12 (construction vibration), 444.18 (Quarry Zone daytime noise) and 444.19 (construction noise).

4. CONSTRUCTION VIBRATION – NOISE-R5 (444.12)

- 4.1. Submission point 444.12 sought measurable peak particle velocity (PPV) limits for non-blasting vibration at occupied buildings in place of the qualitative wording in NOISE-R5.1(a). Mr Hunt recommends against a district-wide PPV standard. Mr Exeter's updated evidence at paragraphs 15 to 29 clarifies that his recommended numerical limits are directed to vibration generated by construction works. On that technical advice, I maintain point 444.12 to that extent. This is a narrower application of the relief originally sought, and I do not seek to apply the submitted PPV table to blasting or to other non-construction vibration.
- 4.2. My planning concern is how NOISE-R5 functions as an activity-status rule. Where NOISE-R5.1 is met, the activity is permitted; where it is not met, NOISE-R5.2 requires restricted discretionary consent. For construction works, I consider a plan user should be able to determine before works commence whether resource consent is required.
- 4.3. Mr Exeter accepts that PPV is a simplified measure and does not capture every aspect of human response to vibration. However, at paragraphs 17 to 20 he explains that more complex vibration standards are difficult to use as permitted activity standards, while PPV can be predicted and monitored in practice. He also explains that, if the permitted threshold is exceeded, the resource consent assessment can

then consider matters such as the timing, duration, frequency and nature of the vibration.

- 4.4. From a planning perspective, I consider that to be an appropriate structure: a clear and measurable permitted activity threshold, with a site-specific assessment where that threshold is not met. It provides greater certainty than relying only on the phrases 'contained as far as practical' and 'do not compromise' to determine whether consent is required.
- 4.5. Mr Exeter supports PPV limits for construction vibration and sets out the technical basis for those limits at paragraphs 21 to 29 of his evidence. I rely on him for the appropriate numerical limits and measurement approach. On that basis, I support amendment of NOISE-R5.1(a) for construction vibration consistent with Mr Exeter's evidence. Blasting remains separately managed through the Quarry Zone provisions considered in Hearing Stream 4.

5. QUARRY ZONE NOISE LIMIT – NOISE-APP1 (444.18)

- 5.1. Submission point 444.18 seeks a daytime noise limit of 68 dB LAeq for activities in the Quarry Zone between 7am and 7pm. Mr Exeter identifies at paragraphs 3 to 11 of his evidence that Mr Hunt's evidence incorrectly refers to the proposed Quarry Zone limit as 65 dB LAeq; the notified NOISE-APP1 limit is 67 dB LAeq. The issue is therefore whether that 67 dB LAeq limit should be increased by 1 dB to the 68 dB LAeq limit sought by Winstone.
- 5.2. From a planning perspective, the Quarry Zone provisions should appropriately provide for the ongoing operation and development of quarrying activities while managing adverse effects. The issue for this hearing is whether the proposed daytime limit achieves that balance.
- 5.3. Mr Exeter explains that 68 dB LAeq would provide approximately the same level of noise effects as the operative 70 dB LA10 limit, taking account of the change in noise descriptor and assessment standards. I rely on his paragraphs 3 to 11 for the technical basis. From a planning perspective, I maintain submission point 444.18 because the Quarry Zone limit should appropriately provide for anticipated quarrying activities while managing noise effects beyond the zone.

6. CONSTRUCTION NOISE – NOISE-APP2 (444.19)

- 6.1. The reporting officer accepts point 444.19 in part by adding a matter of discretion that considers whether affected buildings are occupied and the sensitivity of their

use. Mr Exeter addresses this at paragraphs 12 to 14 of his evidence and does not support that approach. He considers there is no effects-based reason to require the construction noise limits to be met at buildings that are known to be unoccupied during the works.

- 6.2. I rely on Mr Exeter on the acoustic effects. From a planning perspective, I consider the provisions should focus on managing effects on people actually exposed to construction noise and should avoid an unnecessary consent requirement where a building is known to be unoccupied. I therefore maintain point 444.19 to that extent.

7. EARTHWORKS

- 7.1. Submission point 444.32 supported the Earthworks chapter on the basis that quarrying activities in the Quarry Zone are excluded. The recommended chapter retains that exclusion. I support that outcome.
- 7.2. Winstone's further submission points F34.13 and F34.21 supported the same outcome in the AQA and Horokiwi submissions. Submission point 444.33 relates to EW-P15. The officer's recommended changes to that policy do not alter the Quarry Zone exclusion, and I do not seek further relief on that point.
- 7.3. For clarity, the Earthworks chapter exclusion applies to quarrying activities within the Quarry Zone.

8. WIND

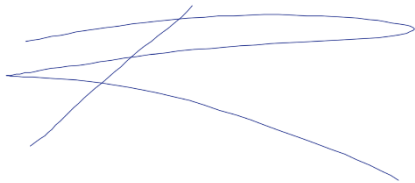
- 8.1. Submission points 444.37 and 444.38 sought to ensure the Wind provisions did not unnecessarily regulate operational Quarry Zone land that is not public space. The reporting officer agrees with the intent and recommends alternative amendments to WIND-R1 and WIND-R2. I support the officer's recommended approach and do not seek further relief.

9. LIGHT AND SIGNS

- 9.1. Submission point 444.35 supported LIGHT-TABLE1 as it applies to the Quarry Zone. The reporting officer recommends accepting the point in part, with changes that do not alter the Quarry Zone outcome sought by Winstone. I support that recommendation and seek no further relief.
- 9.2. Submission point 444.36 supported SIGN-R2 as notified. The reporting officer recommends accepting that point. I support the recommendation and seek no further relief.

10. CONCLUSION

- 10.1. The Hearing Stream 7 matters I continue to pursue are submission point 444.12 on construction vibration, submission point 444.18 on the daytime Quarry Zone noise limit, and submission point 444.19 on construction noise. I rely on Mr Exeter for the technical acoustic and vibration matters addressed in his evidence, including his paragraphs 15 to 29 on construction vibration, and keep my own evidence to the planning issues.
- 10.2. For the remaining Winstone points, I support the section 42A outcomes or consider no further relief is required.



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

Dated 30 September 2026

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 SUMMARY OF HEARING STREAM 7 SUBMISSION POINTS

This table summarises the matters carried forward to Hearing Stream 7. The original submission remains the source of the relief sought, as narrowed or refined through this evidence.

Submission point	Provision	Section 42A recommendation	Winstone position for hearing
444.12	NOISE-R5.1(a)	Reject	Maintain for construction vibration. Rely on Mr Exeter (paras 15-29) on the PPV limits and technical methodology. The relief is not pursued for blasting or other non-construction vibration.
444.18	NOISE-APP1	Reject	Maintain 68 dB LAeq. Rely on Mr Exeter (paras 3-11), who confirms the notified NOISE-APP1 limit is 67 dB LAeq and supports 68 dB LAeq on technical grounds.
444.13-444.17	Other Noise provisions	Accepted or otherwise addressed	Support the section 42A outcomes. No further relief.
444.19	NOISE-APP2	Accept in part	Maintain in part. Rely on Mr Exeter (paras 12-14) that construction noise limits should not unnecessarily apply at buildings known to be unoccupied during the works.
444.32 + F34.13 / F34.21	Earthworks chapter	Accepted in substance	Support. The chapter continues to exclude quarrying activities in the Quarry Zone. The proposed OBDA remains subject to the deferred rezoning/integration hearing.
444.33	EW-P15	Reject in part	No further relief. The recommended change does not alter the Quarry Zone exclusion.
444.35 / 444.36	Light / Signs	Accept / accept in part	No further relief.
444.37 / 444.38	Wind	Accept in part	Support the officer's alternative drafting. No further relief.

Note: Mr Exeter's technical evidence addresses submission points 444.12, 444.18 and 444.19. His paragraphs 15 to 29 address construction vibration under 444.12. I rely on him for the technical acoustic and vibration matters.