

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To: Hutt City Council

Name of submitter: Winstone Wallboards Limited (WWB)

- 1 This is a submission on the proposed Hutt City District Plan (PDP).
- 2 WWB could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the PDP that WWB's submission relates to and the reasons for WWB's submission are set out in **Appendix A** and **Appendix B** below.
- 4 WWB's submission is that it:
 - **Support** the rezoning of the site to Heavy Industrial Zone
 - **Support** the objectives and policies of the Heavy Industrial Zone
 - **Support** the standards for the Heavy Industrial Zone
 - **Oppose** the Restricted Discretionary activity status for **Rule HIZ-R17** Heavy Industrial Activities and seeks to amend activity status to a more enabling status such as permitted or controlled activity so as to more appropriately align with the overall objective of the zone.
 - **Oppose** Rule **RH-R9** Discretionary activity status and seeks amendment to a more appropriate Restricted Discretionary activity status for the Heavy Industrial Zone to align with **Rule RH-R11**
 - **Seek clarification** that WWB's activity would not be captured by the definition of a 'Significant Hazardous Facility' under the Hazardous Substance rules and how the 'risk profile' would be assessed to determine permitted activity status under **Rule HS-R1**
- 5 The general and specific reasons for WWB's relief sought are set out in **Appendix A**.
- 6 WWB seeks the following decision from the local authority:
 - a. Grant the relief as set out in **Appendix B**;
 - b. Grant any other similar and /or consequential relief that would deal with WWB's concerns set out in this submission.
- 7 WWB wishes to be heard in support of the submission.
- 8 If others make a similar submission, WWB will consider presenting a joint case with them at a hearing.

Signed for Winstone Wallboards Limited



Simon Cooper
National Manufacturing Manager
20 March 2025

Address for service:
Winstone Wallboards Limited
PO Box 1983
Christchurch 8140

Email: jacqui.hewson@rmgroup.co.nz

Appendix A

INTRODUCTION

1. **WWB** welcomes the opportunity to submit on the PDP.
2. WWB's submission is broadly organised as follows:
 - **Summary of WWB's submission;**
 - **Statement of Interest and Background;**
 - **General submission;**
 - **Specific submission in relation to the regulatory context**
 - **Summary of relief sought**
 - **Conclusion**
 - **Detailed relief sought (contained in Appendix B)**

SUMMARY

3. WWB generally supports the Council's rezoning of the site to Heavy Industrial Zone to align with the National Planning Standards and is also supportive of the associated objectives, policies and standards for the Heavy Industrial Zone.
4. However, WWB's key concerns relate to the misalignment of the activity status in the rules; namely **Rule HIZ-R17** Heavy Industrial Activities and **RH-R9**. WWB seeks amendments to free up the potential consenting pathways to ensure that they align with the zone intent, objectives and policies.
5. Therefore, WWB seeks the following relief:

Heavy Industrial Zone Provisions

- a. Amend **Rule HIZ-R17** activity status to **controlled**, rather than Restricted Discretionary

Natural Hazard Provisions

- b. Amend **Rule NH-R9** activity status to restricted discretionary in the Heavy Industrial Zone with the matters of discretion aligned with the matters of discretion for **Rule NH-R11**.

Hazardous Substances Provisions

- c. Seek clarification on how the 'risk profile' of a 'Significant Hazardous facility' is determined under Rule HS-R1 and confirmation whether WWB's existing activity would be classified as a 'Significant Hazardous facility' and how the 'risk profile' change would be assessed or what level of change in the profile would trigger consent

STATEMENT OF INTEREST AND BACKGROUND

6. WWB is New Zealand's only manufacturer and largest marketer of gypsum plasterboard, drywall systems, associated GIB products and services. WWB has multiple locations throughout New Zealand, including its Lower Hutt distribution centre located at 147 Gracefield Road, Seaview, Lower Hutt.
7. The site is currently occupied by a large warehouse, sealed yard, outdoor storage area, associated car parking and a landscaping strip along the road frontage. Hazardous substances are also used and stored onsite. The site is also classified as a HAIL site on the Greater Wellington Regional Council records.¹ (refer to **Figure 1** below).

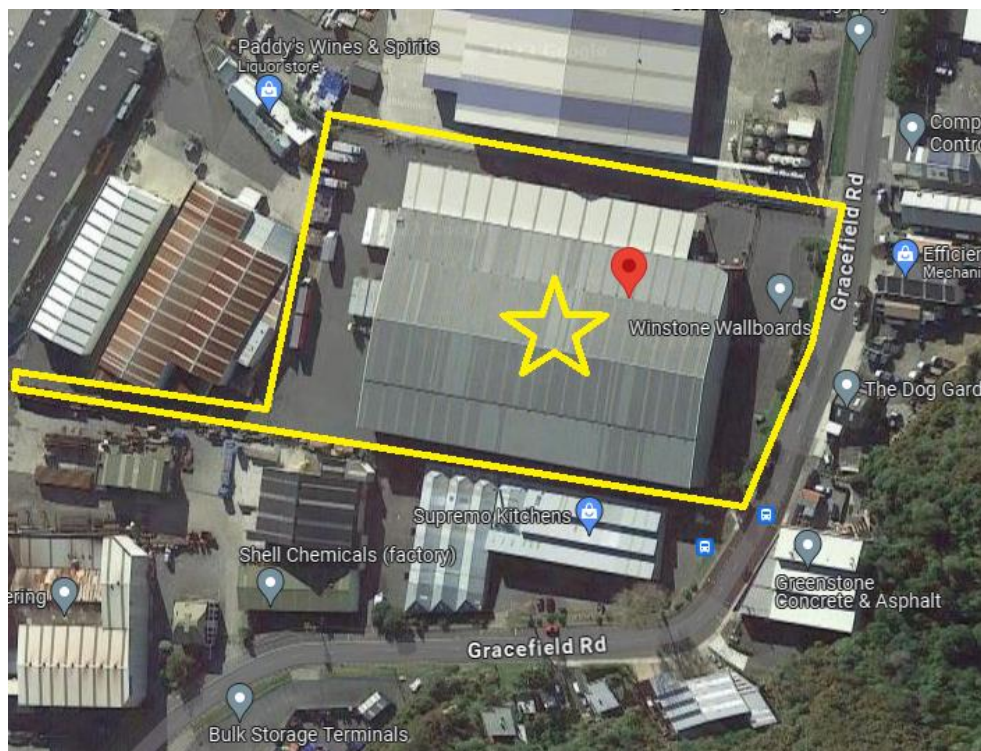


Figure 1: WWB's Gracefield site, outlined in yellow and indicated by a yellow star. Source: Google Maps, annotated by RMG, March 2025

8. The site has a long site history dating back to 1978, when it was first established.
9. The current site development was granted building consent in 1998 (ABAB980748) with further building consent granted for a minor extension to the rear of the building in 2012. The site building was also recently granted a Building Warrant of Fitness on 13 November 2023.
10. The only resource consent associated with the site was granted in 1998, for earthworks associated with the initial construction of the current building (RM980386).
11. It is WWB's assumption that the current activity operates as a permitted activity under the relevant District and Regional Plans. However, the current site does not hold a Certificate of Compliance to confirm this.
12. Therefore, it is critical that the PDP provisions continue to provide for WWB's activity as a permitted activity to afford certainty and viability for WWB's current and future operation at this site.

¹ Wellington Regional Council Map Viewer – HAIL sites

13. Given the housing crisis in New Zealand, the continued supply of building materials is of utmost relevance and importance to WWB as New Zealand's only manufacturer and largest marketer of gypsum plasterboard, drywall systems, associated GIB products and services.
14. The principal aim of this submission is therefore to ensure the continued operation of WWB Gracefield Road site, now and in the future. This will ensure the continued supply of building materials to support residential intensification by establishing the most appropriate provisions to achieve that goal and assist the Council in implementing relevant direction from higher order statutory instruments – particularly the National Policy Statement on Urban Development 2020 (**NPS-UD**).
15. WWB also seeks amendments to the notified provisions to better implement the requirements of Schedule 3A of the Resource Management Act 1991 (**RMA**)². These are detailed in [Appendix B](#).

SPECIFIC SUBMISSION IN RELATION TO THE REGULATORY CONTEXT

National Policy Statement on Urban Development

16. WWB's submission relates to the following Proposed District Plan matters:
 - i. Planning Maps - site zoning*
 - ii. Heavy Industrial zone provisions*
 - iii. Hazardous substance provisions*
 - iv. Natural Hazard provisions*
17. Feedback on each of these matters is provided in turn below and **Appendix A** sets out the detailed relief sought.

Planning Maps – site zoning

18. WWB's site is currently located within the Special Business Zone under the Operative District Plan and the Heavy Industrial Zone within the Proposed District Plan.
19. WWB generally supports the proposed zoning and considers the Heavy Industrial zone appropriately aligns with the National Planning Standards and provides for the existing activities located within the zone.

Heavy Industrial zone provisions

20. WWB generally supports the objectives, policies and standards of the Heavy Industrial Zone.
21. However, WWB opposes the activity status of **Rule HIZ-R17: Heavy Industrial Activities**, being Restricted Discretionary (**RDA**) as the RDA activity status does not align with the zone objective to provide for heavy industrial activities.
22. WWB considers **Rule HIZ-R17** should be provided for as a controlled activity where control is limited to the matters of discretion as notified.
23. Refer to **Appendix A** for detailed relief sought.

² Schedule 3A of the RMA, inserted on 21 December 2021, to implement the Enable Housing Supply and Other Matters Amendment Act 2021.

Hazardous substance provisions

24. WWB generally considers the permitted activity status for **Rule HS-R1: Additions or alterations to existing significant hazardous facilities** is appropriate.
25. As proposed the following criteria qualifying what a permitted activity states that the additions or alterations are only permitted:
"Where:
 - a. *The activity does not change the risk profile of the significant hazardous facility, as measured from 6 February 2025, and*
 - b. *There is no more than a 10% increase in the volume of hazardous substances manufactured, used, stored, transported, or disposed of, as measured from 6 February 2025."*
26. WWB considers that the above permitted activity standards are not workable for the following reason:
 - i. Clause a. results in a level of 'discretion' in assessing that there is no 'change' to the risk profile and is therefore ultra vi
 - j. res.
 - ii. Clause b. requires no more than a 10% increase, which creates a disproportionate advantage to larger sites, where the total volume of hazards substances increase is greater than for smaller sites.
 - iii. The s32 Report for this chapter does not adequately assess the economic implications of preparing a 'risk profile' and how effective it is to require a level of assessment for a permitted activity standard and how this will be monitored or recorded.
27. Therefore, WWB seeks further clarification on how the 'risk profile' of a 'Significant Hazardous facility' is determined and confirms whether WWB's existing activity would be classified as a 'Significant Hazardous facility' and how the 'risk profile' change would be assessed or what level of change in the profile would trigger consent.
28. In the absence of such clarification and further justification on the workability of **clauses a. and b.**, WWB seeks that the criteria for the permitted activity status be deleted or a set quantum of hazard substance volume increase that is permitted would provide greater certainty.
29. Overall, WWB considers this rule as currently drafted is neither an efficient or effective rule for providing for *Objectives HS-O2 (2) Do not compromise the operation of existing significant hazardous substances facilities due to reverse sensitivity effects* and should be redrafted to provide greater certainty with discretion of what level of additional and alteration is permitted.

Natural Hazard provisions

30. **Rule NH-R9: Additions to existing buildings that contain activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Flood Hazard Overlay and High Flood Hazard Overlay** is a Discretionary Activity within the Heavy Industrial Zone where it is outside the Seaview area.
31. WWB considers that a Discretionary Activity is not justified when the risks and effects are known and can be appropriately assessed by the matters of discretion listed for NH-R9 (2) and which still provides for the Council to grant or decline the consent, with or without conditions. WWB considers that a Discretionary Activity for Rule NH-R9(3) is not appropriate as it is not effective and efficient and does not provide certainty Industrial Activities within the Heavy Industrial Zone outside of the Seaview Area.
32. Therefore, WWB considers the activity status for **Rule NH-R9** should be a Restricted Discretionary activity with the matters of discretion aligned with Rule NH-R9(2).

CONCLUSION

33. WWB wishes to thank Hutt City Council and the District Plan Team for the opportunity submit of the Proposed District Plan.

Winstone Wallboards Limited



Simon Cooper
National Manufacturing Manager
20 March 2025

Address for service:

Winstone Wallboards Limited
PO Box 1983
Christchurch 8140


Email: jacqui.hewson@rmgroup.co.nz

Proposed Hutt City District Plan – Detailed relief sought

PDP/031

Submitter Name: **Winstone Wallboards Ltd**

Relevant Chapter/section of the PDP	Specific provision / matter	Position	Reason for Submission	Decision requested/Relief sought
Proposed Zoning Maps	Heavy Industrial zoning of 147 Gracefield Road, Seaview, Lower Hutt	Support	WWB considers the Proposed Heavy Industrial zoning is appropriate for it Gracefield site given the surrounding uses and the overall intent to protect the existing activities from reverse sensitivity matters and to manage any adverse effects. Furthermore, the Heavy Industrial Zoning provides flexibility for further redevelopment of the site should that ever be contemplated.	Retain the Heavy Industrial Zone as shown on the proposed planning maps as notified.
Part 3: Heavy Industrial Zone Provisions	Objective HIZ-01: Purpose of the Zone	Support	WWB considers that the single objective for the purpose of the zone provides for greater direction and protection for industrial activities particularly regarding reverse sensitivity.	Retain Objective HIZ-01 as notified.
Part 3: Heavy Industrial Zone Provisions	Policies HIZ-P1-P12	Support	WWB considers that the proposed policies provide for greater clarity in terms of how effects are managed, particularly in relation to reverse sensitivity. However, as covered below WWB consider there is some inappropriate misalignment between these enabling policies and the entry and default activity status for heavy industrial activities.	Retain Policies HIZ-P1-P12 as notified.
Part 3: Heavy Industrial Zone Provisions	Rule HIZ-R17: Heavy industrial activities	Oppose	As notified, Rule HIZ-R17 provides for Heavy Industrial Activities as a Restricted Discretionary as an entry level activity status. WWB considers that the Restricted Discretionary Activity status does not provide the certainty for heavy industrial activities, and does not align with the zone purpose objective, which is to provide the needs of industrial uses, but more specifically heavy industrial activities. Given the intent of the zone, WWB considers the activity status for Heavy Industrial Activities should 'controlled' as an entry level activity status to provide for certainty for such activities and ensures alignment between the objective intent and activity status.	Amend Rule HIZ-R17 to provide for Heavy Industrial Activities as a controlled activity where control is limited to the following matters: i. <u>Amenity values</u> outside the Industrial Zones, ii. Health and safety beyond the <u>site</u> , iii. The management of <u>dust</u> and odour.
Part 3: Heavy Industrial Zone Provisions	Standards HIZ-S1-S8	Support	WWB considers the standards provide for adequate certainty to ensure permitted activity status can be achieved.	Retain as notified
Part 2: District Wide, Hazards and Risk	Hazardous substances	Oppose	WWB considers that the overall activity status of Rules HS-R1 is appropriate, the wording as notified of the rule it is not clear how the 'risk profile' of a 'Significant Hazardous facility' is determined and to what extent or level of change to the 'risk profile' would result in consent being triggered. WWB considers that there is a level of discretion in determining the criteria and therefore the rule is ultra vires. WWB's still seeks confirmation on whether their existing activity	Further clarification on how the 'risk profile' of a 'Significant Hazardous facility' is determined how the 'risk profile' change would be assessed or what level of change in the profile would trigger consent for Rule HS-R1 . Alternately, WWB seeks that the permitted activity criteria be deleted as follows: Rule HS-R1: Alterations or additions to existing significant hazardous facilities 1. Activity Status: Permitted Where:

Relevant Chapter/section of the PDP	Specific provision / matter	Position	Reason for Submission	Decision requested/Relief sought
			<div>PDP/031</div> <p>would be classified as a 'Significant Hazardous facility' under the proposed definition.</p>	<div>PDP/031</div> <p>a. The activity does not change the risk profile of the <u>significant hazardous facility</u>, as measured from 6 February 2025, and</p> <p>b. There is no more than a 10% increase in the volume of <u>hazardous substances</u> manufactured, used, stored, transported, or disposed of, as measured from 6 February 2025.</p>
Part 2: District Wide, Hazards and Risk	Natural Hazards	Oppose	WWB considers that the activity status should be reduced from Discretionary to a Restricted Discretionary activity to ensure a greater level of certainty for existing activities seeking further expansion and is consistent with the RDA activity status of Rule NH-R11.	Amend the activity status of Rule NH-R9(3) to Restricted Discretionary Activity where the matters of discretion are aligned with Rule NH-R9(2) .