

BEFORE THE HEARINGS PANEL

UNDER the Resource Management Act 1991.

IN THE MATTER of submissions and further submissions on Hutt City Council's Proposed District Plan

Submitter **WINSTONE AGGREGATES**
(Submitter No. 444, Further Submitter No. F34).

LEGAL SUBMISSIONS OF WINSTONE AGGREGATES

HEARING STREAM 1 – OPENING

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MAY IT PLEASE THE PANEL:

Introduction

1. We appear on behalf of Winstone Aggregates, a Division of Fletcher Concrete and Infrastructure Ltd ("**Winstone**"). Winstone has made a submission (Submitter No. 444, Further Submission No. F34) on the Proposed Hutt City District Plan.
2. Winstone is the only quarry operator in the Hutt District. More detail about Winstone's operations in the District is set out in the corporate evidence of Mr Heffernan, Winstone's Project Manager.
3. The land in the proposed Special Purpose Quarry Zone (SPQZ) (and currently in the operative plans Extraction Zone) contains two sites, the Belmont Quarry on Hebden Crescent and the Dry Creek Quarry on Liverton Road, both of which are owned by Winstone's parent company, Fletchers, and operated by Winstone.

Purpose of these introductory submissions

4. Winstone intends to present in support of its submission points on various chapters throughout the hearing process. The purpose of these introductory submissions is to familiarise the Panel with Winstone's role in the Lower Hutt district and its interest in the Proposed District Plan Review, and to provide preliminary comments in response to the Officer's section 42A report for Hearing Stream 1.
5. Many of the points raised in these legal submissions are best considered in conjunction with specific submission points in subsequent hearing streams, once the Panel has had the benefit of evidence.

Winstone's interest in the Proposed District Plan

6. The relief sought by Winstone is focused on updates to the Special Purpose Quarry Zone and other provisions that impact quarrying operations. The Special Purpose Quarry Zone applies at Belmont Quarry, which has operated as a quarry since the 1920s, with Winstone's involvement since 1988. Because it is an operational quarry, any changes to the district plan rules and zoning of the quarry need to be workable within existing operational parameters.
7. Winstone is supportive of Hutt City Council's decision to notify the Proposed District Plan, and to continue with the Schedule 1 plan making process following the receipt of an exemption from the Plan-Stop process by the Minister for RMA Reform. It has been more than 20 years since the current District Plan became fully operative, and so entirely appropriate that a full plan review process is completed. There is a need for a review of the plan to ensure that it continues to meet the needs of the Hutt City community, responds to contemporary and evolving resource management issues, and gives effect to changes in statutory direction and planning practice. There have been a number of new or amended higher order policy documents issued within the last 20 years, some very recently, and by implementing these into the Proposed District Plan now, Hutt City will ensure that it is well positioned to respond to the Planning Bill and the Natural Environment Bill when those are enacted and come into force.
8. In terms of Winstone's position, there has been a good deal of work undertaken by Hutt City Council, in consultation with Winstone, to update the Extraction Activity Area (under the operative plan) to the Special Purpose Quarry Zone (in the proposed plan). These updates are a positive step forward in terms of updating and modernising the quarry-specific plan provisions to reflect changes in best practice and to ensure that the plan is fit for purpose.

Lack of aggregate resource for Lower Hutt District

9. Quarries are a source of aggregate. Aggregate is a fundamental requirement for the construction industry, serving as a component in road construction, building projects, and infrastructure development. It also is required to respond to natural disasters and to improve strategic resilience.
10. The Wellington Region, including the Lower Hutt District, is facing some hard choices in the future as to where aggregate will be sourced (and the resulting cost of doing so):
 - a. Locally sourced quarries have been in rapid decline. Fifty years ago, there were 30+ quarries across the Wellington region, including many in the Belmont hills, today only a handful remain.
 - b. There is no alternative to aggregate, it is a finite mineral which is consumed in huge quantities to build, maintain and support our communities;
 - c. It is a heavy, bulky product best utilised as close to where it is sourced as possible to reduce both transport and emissions costs (on average the economic cost per tonne for transport doubles for every additional 30km it is transported); and
 - d. Quarries can only be established where accessible and quality aggregate resource lies and where the resource is near the surface. The vast majority of land across the region is already “sterilised” via incompatible land uses.
11. Winstone seeks to maximise the life of its existing quarry operations at already established quarries, notably Belmont Quarry, rather than seeking to establish new greenfield quarries further afield. This is the most sustainable way to continue to support access to aggregate in an economically efficient way, and in turn seek to contain aggregate extraction activities (and their effects) to specific sites. Winstone’s submissions in this process are addressed towards its goal of maximising the life of its existing quarry operations.

Parallel fast track process

12. Winstone is currently advancing an application for approvals under the Fast-Track Approvals Act 2024 for the Belmont Quarry Development Project. This Project is a listed project under Schedule 2 of that Act. It involves a proposed land exchange, to enable Winstone to swap land that it owns with adjacent land that is currently owned by the Department of Conservation and managed by Greater Wellington Regional Council as part of Belmont Regional Park. The purpose of the proposed land exchange is to allow Winstone to continue the life of Belmont Quarry by providing a suitable location for the construction and operation of an overburden disposal area on the land that is currently part of Belmont Regional Park. In exchange for the regional park land, land with high ecological value is proposed to be transferred into public ownership. The Project is also seeking regional and district consents, and other approvals, to allow the creation of an overburden disposal area.
13. In December 2025 Winstone applied for the Land Exchange under the Fast Track Approvals Act. That application is currently being processed by the Department of Conservation, with the Director-General of Conservation's report on a land exchange application to be released on 7 July 2026.¹ That report is a prerequisite to Winstone lodging its substantive Fast Track application for other approvals needed with the EPA.
14. If successful, the fast-track application will change the physical area where quarrying activities occur, retiring land within the quarry zone to become Crown land, and adding the land received in the exchange as a new OBDA area. Discussions with Council Officers last year identified that the District Plan Review provides a good opportunity to update the planning maps for the SPQZ and NOSZ, if the timing meant this could be accommodated.
15. Winstone has, through various submission points, sought zoning changes to

¹ <https://www.fasttrack.govt.nz/projects/belmont-quarry-development>

ensure that the Proposed District Plan accurately reflects the anticipated changes in ownership and future uses of the land (including consented use of the overburden disposal area) resulting from Fast-Track approvals (if granted) under the fast-track process.

16. These changes include:
 - a. Rezoning a 29.04 ha area of land that is proposed to be transferred to Winstone to form the new overburden disposal area as Special Purpose Quarry Zone with an Overburden Disposal Area overlay (submission point 444.94);
 - b. Amending the spatial envelope of designation WRC-12 (Belmont Regional Park) to exclude the 29.04 ha area of land that is proposed to be transferred to Winstone, which GWRC have agreed to amend if approval is obtained (submission point 444.97 and 444.107); and
 - c. Rezoning various parcels of land that are proposed to be transferred to the Department of Conservation to Natural Open Space Zone with a Quarry Zone Protection Overlay (submission point 444.95 and 444.108).
17. These submission points are, in essence, consequential on Winstone being granted approvals for the Belmont Quarry Development Project under the fast-track process.
18. Winstone's submission points in this plan change process relate to the quarry zone, open space zone and designation chapters of the Proposed District Plan. It is understood that changes to planning maps are intended to be heard within the chapters of the plan to which they relate, rather than in a separate stream.
19. Winstone notes that, based on the current indicative timetable, these are scheduled in hearing stream 4 (quarry zone and open space zone in July) and hearing stream 9 (designation, currently indicated for November).

20. This creates an unfortunate timing issue, because at the time that s42A report and submitter evidence needs to be filed and the hearing for Stream in mid-July, (streams 4,) for the NOSZ and SPQZ, the fast-track application will not be available, and the outcome of the fast-track process will not be known.
21. Winstone anticipates obtaining a decision on the fast-track process by late 2026 or early 2027, with the possibility of a draft decision in late 2026, which means that a Decision is likely to be available by the time the Panel is making its decision on the plan. (The Panel's Minute 2, at para 68 indicates that the Panel expects to furnish a recommendation report to the Council in the second quarter of 2027). As noted in Winstone's submission it seeks rezoning/changes to planning maps only if the fast-track application is successful, i.e., it obtains the land via exchange.
22. Winstone respectfully requests that the Panel consider deferring the hearing on the SPQZ and the consideration of Winstone's three rezone/change-to-planning-maps requests outlined above until later in the hearing process (closer to November or December), when the fast-track application for Belmont Quarry Development has progressed further. Given the interconnected nature of the requests, there would be merit in grouping them.
23. Winstone is the sole submitter of most of the provisions in the SPQZ (apart from some isolated submissions in support from Horokiwi Quarry and the Aggregate Quarry Association, Enviro NZ and Planning and Policy Team at HCC). Wellington Water and Waka Kotahi are further submitters on discrete points regarding hazard overlays and access. If a timing change could be accommodated by the Panel, it is likely to impact very few parties.
24. Deferring the SPQZ and Winstone's three rezone requests to be heard together later in the year would allow for a more efficient hearing process because it would ensure that the Panel, Council (and other parties) are not required to address Winstone's submission points in advance of, and without knowing, the details of and likely outcome of the fast-track process that they are consequential on.

25. Deferring would also give the Panel and the Council the benefit of having the most up-to-date information about the Fast-Track consent application (and possibly a draft decision from the Panel) available prior to hearing the submission.
26. The deferral that Winstone is proposing could be achieved by way of either:
 - a. Convening a separate hearing stream to address the SPQZ and rezoning requests and the consequences of Winstone's fast-track consent application (akin to the hearing stream 8 proposed for the Benmore Crescent development site); or
 - b. Assigning time in the integration hearing to hear the SPQZ and rezone requests, noting it is a discrete issue, with very few submitters involved.

General submission points not addressed

27. The section 42A report for hearing stream 1 provides a helpful overview of whole-of-plan issues, and the introduction and general provisions and definitions in the plan.
28. However, there are a number of submission points raised by Winstone that are of a general or whole-of-plan nature that appear not to have been addressed.
29. These include Winstone's request that the Proposed District Plan's provisions give effect to consenting pathways and recognition for quarrying and clean filling and extraction of aggregate pathways provided for in National Policy Statements and National Environmental Standards, including any changes to these documents (submission point 444.15). The wording at page 3 of Winstone's initial submission provides plan wide relief, which may assist the Panel:

“Winstone also notes the dynamic planning and regulatory environment and wishes to ensure that the District Plan Review captures any amendments that occur to those National Policy Directions and Standards over the course of notification, hearing and determination of the District Plan Review, to ensure that the plan provides and gives effect to any changes to those directions/standards. Particular Relief is sought that:

- The District Plan Review is updated to accurately reflect the directions in National Policy Statements and National Environmental Standards.*
- Including ensuring that the district plan is amended to give effect to any new or updated/amended National Policy Statements or RMA Amendment legislation released prior to the district plan review being decided and can be appropriately recognized via the district plan review process.”*

30. The section 42A report notes that new national direction instruments came into force on 15 January 2026, and that the Council is required to give effect to these new or amended higher order documents to the extent practicable within the scope provided by the Minister’s exemption and the submissions (paras 56–60). The report also notes that the context of the resource management system reform underscores the importance of preparing a Proposed District Plan that responds to higher-order direction where it remains operative (para 40).
31. However, the section 42A report fails to acknowledge that Winstone’s general submission points on the whole plan (including 444.15) provide very broad scope to give effect to new/amended instruments as part of the current district plan review process.
32. Winstone requests that its general submission point is noted at this stage in the process. The specific changes required to give effect to the new national direction can be addressed in a more detailed way in subsequent hearing

streams, to the extent appropriate within the scope provided by the Minister's exemption and Winstone's submission and any other relevant submissions.

33. More generally, Winstone notes that none of its submission points have been specifically addressed by the section 42A report for hearing stream 1. This may be because Officers intend the submission points to be addressed in subsequent hearing streams. However, Winstone had a number of general submission points that have been labelled as "whole plan" issues in the summary of submissions (submission points 444.109–444.115), and it is unclear why these have not been considered as part of the general, introductory and whole-of-plan issues that are being considered as part of hearing stream 1.

Conclusion

34. Counsel has sought to respond to matters raised in the section 42A Report and signpost issues for the Panel in terms of both its concerns and themes which it intends to develop in further detail in evidence during the relevant hearing on substantive issues.
35. Counsel trusts that raising these concerns with the Panel at an early point is helpful and allows the Panel to give genuine thought and attention to them in advance of embarking on the hearing process



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