

**BEFORE HEARING COMMISSIONERS
IN LOWER HUTT**

UNDER THE Resource Management Act
1991 (**RMA**)

IN THE MATTER of the Proposed City of Lower
Hutt District Plan (**PDP**)

AND
IN THE MATTER of a submission requesting
the rezoning of the site
located at 105-107 Victoria
Street, Lower Hutt to Mixed
Use Zone.

BETWEEN **ADRIAN PALMER FAMILY
TRUST**
Submitter

AND **HUTT CITY COUNCIL**
Planning authority

STATEMENT OF PLANNING EVIDENCE OF ANDREW BROWN CUMMING

6 MAY 2026

1. Introduction

1. My full name is Andrew Brown Cumming.

1.1. Qualifications and experience

2. I am self-employed as a planning consultant. I hold the qualifications of Bachelor of Science (Zoology) from Massey University and Master of Science (Environmental Science and Zoology) (First Class Honours) from the University of Auckland.
3. I have worked in resource management and planning in both the public and private sectors for more than 30 years. My experience includes senior management and policy experience at district councils and policy experience at a regional council as well as 15 years of private resource management practice. My most recent role at a council was as District Plan Manager at Hutt City Council from 2015 until 2019.
4. I have been involved in a wide range of resource management projects including regional and district plans, private plan change requests, plan submissions and applications for resource consent for a variety of subdivision and land use projects. I am experienced at commissioning and reviewing specialist inputs (e.g. ecologists, surveyors, civil, geotechnical and transport engineers, noise specialists, landscape architects and archaeologists).
5. I am a full member of the New Zealand Planning Institute.

1.2. Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

1.3. Consideration of Conflicts of Interest

7. I have been engaged by Urban Edge Planning Ltd to provide a statement of evidence on behalf of their client Adrian Palmer Family Trust. I have been advised that Urban Edge Planning was involved in the preparation of the following chapters of the Hutt City Proposed District Plan:
 - 7.1. Natural Hazards;
 - 7.2. Coastal Environment;
 - 7.3. Outstanding Natural Landscapes and Features;
 - 7.4. Public Access;
 - 7.5. Subdivision;
 - 7.6. Three Waters; and
 - 7.7. Earthworks.

8. I had no involvement in that work. Moreover, my evidence does not affect, and is not affected by, the above plan chapters. I am satisfied that I am not conflicted in presenting this evidence.

2. Executive Summary

9. Submission 315 from Adrian Palmer Family Trust (**the Trust**) includes seeking the following relief:
 - 9.1. Rezone the Trust's Site at 105-107 Victoria Street, Lower Hutt (**the Site**) from Light Industrial Zone (**LIZ**) to Mixed Use Zone (**MUZ**).
10. The Site is zoned High Density Residential Zone in the Operative City of Lower Hutt District Plan (**ODP**). The Proposed District Plan (**PDP**) proposes to rezone the Site to Light Industrial Zone.
11. The Site continues to be well-located for intensive residential development and is also suitable for the inclusion of commercial and other activities that are compatible with residential activity. Therefore I support Mixed Use Zoning of the Site.
12. The Light Industrial Zone strongly discourages residential activities. There is no evidence to support the curtailment of residential activity on the Site. Therefore, I oppose the proposed Light Industrial Zoning of the Site.

3. Scope of Evidence

13. I was engaged by Urban Edge Planning Ltd to provide a statement of evidence on behalf of their client Adrian Palmer Family Trust (**the Trust**). The Trust's Submission 315 (Submission Points 28a and 28b) to the Proposed City of Lower Hutt District Plan (**PDP**) includes seeking the following relief:
 - 13.1. Rezone the Trust's Site at 105-107 Victoria Street, Lower Hutt¹ from Light Industrial Zone (**LIZ**) to Mixed Use Zone (**MUZ**).
14. My evidence compares the LIZ and the MUZ in the context of the Site.
15. I include a section 32AA analysis.
16. I have read relevant parts of the Council's:
 - 16.1. Section 42A Report - Commercial and Mixed Use;
 - 16.2. Section 42A Report – Industrial;
 - 16.3. PDP Section 32 Evaluation – Residential Zones;
 - 16.4. PDP Section 32 Evaluation – Industrial Zones; and

¹ Lot 1 DP 558121, Section 2 Survey Office Plan 509558, Section 1 Survey Office Plan 509558 and Lot 2 DP 558121

16.5. PDP Section 32 Evaluation – Commercial and Mixed Use Zones.

4. Rezoning the Site - Light Industrial Zone Compared With Mixed Use Zone

17. I am familiar with the Site and its environs, having walked or driven past on numerous occasions.
18. My evidence compares the purpose and intended activities of the LIZ and the MUZ and identifies what, in my opinion, is the key difference between the zones in the context of the Site.
19. I note that, irrespective of the Site’s zoning, most of the Site is subject to a proposed Low Flood Hazard Overlay with the remainder of the Site being subject to Medium or High Flood Hazard Overlays (due to potentially deeper ponded water). The entire Site is subject to the proposed Liquefaction Hazard Overlay. Future built development and use of the Site, particularly hazard-sensitive uses such as residential, are subject to PDP natural hazards provisions and resource consent processes that will manage the location and design of buildings, including floor levels, and require consideration of the intended activities in the context of the natural hazard.

4.1. Comparing the Light Industrial Zone and the Mixed Use Zone

20. The LIZ and MUZ are described in the National Planning Standards (Table 1).

Table 1 National Planning Standards

Light Industrial Zone	Mixed Use Zone
Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.	Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities

21. The above National Planning Standards descriptions are developed into the PDP objectives for zone purpose and intended activities, cited in Table 2.

Table 2 PDP Purpose and Activities Objectives

Light Industrial Zone	Mixed Use Zone
<p>Objective LIZ-O1 Purpose of the zone The Light Industrial Zone is used primarily to meet the needs of industrial and research activities, and compatible activities such as commercial, community, or government activities that are not appropriately located in commercial centres. The Light Industrial Zone is usually located next to or near residential, commercial, and other zones that provide for</p>	<p>Objective MUZ-O1 Purpose of the zone The Mixed Use Zone contributes to a well-functioning urban environment through the provision of areas that can flexibly adapt to a range of mixed urban uses over time, in locations that are appropriate for medium or high density residential and commercial development.</p>

<p>activities sensitive to industry, and activities in the zone are managed to be compatible with this.</p>	
<p>Objective LIZ-O2</p> <p>Activities in the zone</p> <p>The Light Industrial Zone:</p> <ol style="list-style-type: none"> 1. Primarily provides for industrial activities and research activities, 2. Provides for emergency facilities and trade and industrial training activities, 3. Is supported by other activities that: <ol style="list-style-type: none"> a. Are compatible with the purpose, the planned character, and the planned urban environment of the zone, b. Do not undermine the role of commercial centres, and c. Support the industrial activities and research activities in the zone, including the needs of workers at those activities. 4. Provides for other activities that: <ol style="list-style-type: none"> a. Are compatible with the purpose, the planned character, and the planned urban environment of the zone, a. Do not undermine the role of commercial centres, and b. One or more of the following: <ol style="list-style-type: none"> i. Have a functional need or operational need to locate in an Industrial Zone, or ii. Have significant co-location benefits when located in the area, or iii. Are a commercial activity that is not suited to being in a commercial centre, or iv. Due to the size, layout, or operation of the activity, would have difficulty finding a suitable site in any other zone, or v. Are otherwise better located in an Industrial Zone than in any other type of zone, or vi. Are an interim use and do not create obstacles to re-using their sites for industrial activities or research activities in future. 5. Is not intended to provide for: <ol style="list-style-type: none"> a. Standalone residential activities that do not support an industrial activity, research activity, or emergency facility, or b. Activities that would be a city-wide or regional destination for significant numbers of visitors. 	<p>Objective MUZ-O2</p> <p>Activities in the zone</p> <p>The Mixed Use Zone:</p> <ol style="list-style-type: none"> 1. Does not have a single predominant use that it provides for, 2. Is expected to provide flexibility for any combination of commercial, community, light manufacturing and servicing, recreational, residential, and other compatible activities, while reflecting the Mixed Use Zone's role and function in relation to the hierarchy of centres, 3. Provides for other activities that: <ol style="list-style-type: none"> a. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, b. Are compatible with the types of amenity associated with a medium or high density mixed use environment anticipated by the zone, and c. Support the health and wellbeing of people and communities in the surrounding area, and 4. Is not intended to provide for: <ol style="list-style-type: none"> a. Large-scale vehicle oriented activities, or b. Activities that would be a significant city-wide or regional destination, and 5. Otherwise avoids other activities that are likely to be incompatible.

22. Objective LIZ-O2, in essence, provides for:
- 22.1. Industrial activities²;
 - 22.2. Research activities³;
 - 22.3. Emergency facilities;
 - 22.4. Trade and industrial training activities;
 - 22.5. Activities that support the above;
 - 22.6. Other activities that have a functional or operational need to locate in an industrial zone or cannot, for various reasons, locate in another zone.
23. The LIZ specifically discourages standalone residential activities.
24. Objective MUZ-O2, in essence, provides for any combination of:
- 24.1. Commercial activities⁴;
 - 24.2. Community activities⁵;
 - 24.3. Light manufacturing and servicing⁶;
 - 24.4. Recreational activities;
 - 24.5. Residential activities;
 - 24.6. Other compatible activities.
25. The above LIZ policy settings are given effect to in the LIZ rules, broadly summarised in Table 3 below:

Table 3 Broad Summary of LIZ Rules

Permitted	Restricted Discretionary	Discretionary	Non-complying
<ul style="list-style-type: none"> • Industrial activities other than heavy industrial activities • Research activities • Trade and industrial training facilities • Emergency facilities 	<ul style="list-style-type: none"> • Permitted activities that breach standards 	<ul style="list-style-type: none"> • Heavy industrial activities • Residential activities (no more than 1 residential unit on site and ancillary to industrial, research or emergency facility) 	<ul style="list-style-type: none"> • Residential activities (>1 residential unit on site or not ancillary to industrial, research or emergency facility) • Activities sensitive to industry, other than

² means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

³ includes research for scientific, industrial, or agricultural purposes

⁴ Commercial Activity means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

⁵ Community Facility means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility

⁶ Light manufacturing and servicing means an industrial activity where articles, goods or produce are made, prepared and/or repaired for sale or rent and the light manufacturing and servicing activity is contained entirely within a building, does not require the use, storage or handling of hazardous substances requiring separate resource consent and does not require any regional air, water, or land discharge consent.
Excludes any heavy industrial activity, service station, motor vehicle servicing or any activity which has servicing by heavy motor vehicles.

Permitted	Restricted Discretionary	Discretionary	Non-complying
<ul style="list-style-type: none"> • Motor vehicle servicing activities • Carparking activities • Grocery stores and supermarkets (GFA<200m²) • Food and beverage activities (GFA<200m²) • Service stations (GFA<200m²) • Commercial recreation activities (GFA<200m²) • Yard-based retailing (GFA<200m²) • Trade supply retail activities (GFA<200m²) • Commercial activities not otherwise provided for (ancillary to industrial or research activity or GFA<100m²) 		<ul style="list-style-type: none"> • Activities sensitive to industry, other than residential activities (ancillary to industrial, research or emergency facility) 	<p>residential activities (not ancillary to industrial, research or emergency facility)</p> <ul style="list-style-type: none"> • Stand-alone office activities • Integrated retail activities

26. The above MUZ policy settings are given effect to in the MUZ rules, broadly summarised in Table 4 below:

Table 4 Broad Summary of MUZ Rules

Permitted	Restricted Discretionary	Discretionary	Non-complying
<ul style="list-style-type: none"> • Residential activities • Retirement villages • Supported residential care facilities • Visitor accommodation • Health care activities (GFA<200m²) • Community facility (GFA<200m²) • Educational facilities (including Kohanga Reo) (GFA<200m²) • Food and beverage activities (GFA<200m²) • Grocery stores and supermarkets (GFA<300m²) • Light manufacturing and servicing (GFA<200m², not within 40m of Residential Zone, Rural Zone or Marae Zone) • Standalone office activities (GFA<100m²) 	<ul style="list-style-type: none"> • Permitted activities that breach standards • Grocery stores and supermarkets (GFA<1,500m²) • Standalone office activities (GFA<200m²) • Emergency service facilities 	<ul style="list-style-type: none"> • Yard-based retailing • Drive-through activities • Service stations • Motor vehicle servicing activities • Emergency service facilities • Industrial activities not otherwise provided for • Integrated retail activities (GFA<500m²) 	<ul style="list-style-type: none"> • Heavy industrial activities • Primary production other than as an ancillary activity

Permitted	Restricted Discretionary	Discretionary	Non-complying
<ul style="list-style-type: none"> Commercial activities not otherwise provided for (GFA<100m²) Other activities not otherwise provided for (GFA<200m²) Carparking activities 			

27. The key differences between the LIZ and the MUZ are:

27.1. The LIZ is antagonistic to residential activities whereas the MUZ is enabling. The LIZ's non-complying rule and the strongly discouraging policy settings mean that residential activity (other than a single unit that is ancillary to an enabled use) is unlikely to be consentable.

27.2. The LIZ is enabling of industrial activities, research and training, motor vehicle servicing and small (up to 200m²) ancillary activities including yard-based retail.

27.3. The MUZ is enabling of residential and similar activities such as visitor accommodation and retirement villages, healthcare, small community facilities and offices and indoor light industry.

27.4. In general, the MUZ activities are likely to be "people-focused", "cleaner" and compatible with higher amenity environments. The LIZ activities are more oriented to industrial activities and servicing and more likely to generate adverse noise, odour or visual amenity effects beyond a site boundary.

28. The key differences between the LIZ and the MUZ are consistent with the National Planning Standards descriptions of the zones (Table 1).

4.2. Appropriate Zoning of the Site

29. The Site has been zoned for residential activity since at least 2003, when the City of Lower Hutt District Plan became operative. At that time, the zone was General Residential Activity Area. A Medium Density overlay was later added but I am unsure exactly when.

30. In 2023, Plan Change 56, an Intensification Planning Instrument in which Hutt City Council responded to the intensification requirements of the National Policy Statement Urban Development, rezoned the Site to High Density Residential Zone, which is the Site's current zoning in the Operative City of Lower Hutt District Plan (**ODP**).

31. High Density Residential is anticipated to feature building heights of six or more storeys within walkable catchments of rapid transit stops or the edge of city centre and metropolitan centre zones. The Lower Hutt City Centre zone is within 420 metres of the Site.

32. In an effort to understand why the PDP sought to rezone a long-established residential site as LIZ, I read relevant parts of the PDP Section 32 Evaluation – Residential Zones and the PDP

Section 32 Evaluation – Industrial Zones⁷. The PDP Section 32 Evaluation – Residential Zones is silent on rezoning from residential to other zones. The PDP Section 32 Evaluation – Industrial Zones, explains that:

...the Industrial Zones are significantly aligned with the policy direction and area covered by the Special Business, General Business, and Avalon Business Activity Areas in the operative plan (para 5).

The Light Industrial Zone applies to a wide range of smaller and more fragmented business areas across the city, in areas with a more mixed business character or more closely integrated with residential surroundings (para 8).

33. Since the Site is zoned High Density Residential in the ODP and did not have a business activity area zoning, the above explanation does not provide the HCC rationale for rezoning the Site to LIZ.
34. The Section 32 Evaluation – Industrial Zones does not provide any specific evaluation of the Site.
35. The s42A Report - Industrial provides an explanation. In my interpretation the Report justifies the proposed rezoning as follows:
 - 35.1. The Council wishes to retain commercial and industrial land capacity. The Housing and Business Assessment⁸ (**HBA**) “sets out industrial land as being the type with the largest projected increase in demand over the next 30 years, and has the most difficult constraints on finding new land, especially when it comes to well-located infill” (s42A Report, para 463).
 - 35.2. The neighbouring industrial area would be enhanced by being larger – “the Light Industrial Zone provides greater benefits the larger a contiguous area it can apply to, as this increases the number of sites that do not have neighbours in other more sensitive zones” (para 457).
 - 35.3. The Site has been zoned Residential but is not currently in residential use “so present[s] an opportunity to be directly incorporated into an industrial zone that would not otherwise be available” (para 462);
 - 35.4. The Site’s existing, consented use is car sales, which suits the Light Industrial Zone. “I do not see a reason to rezone the site in a way that discourages the current use” (para 464).
36. To put the s42A Report - Industrial’s conclusion about demand for infill industrial land in context, two of the HBA’s “Key Findings” (p120) are:

Business Demand: There is highest demand for industrial land in Lower Hutt, followed by commercial and retail.

Business Capacity: There is sufficient development capacity on business land to meet demand over the long term.

37. The HBA (p144) also states:

⁷ <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/technical-reports,-procedural-issues-and-other-resources>

⁸ <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/technical-reports,-procedural-issues-and-other-resources>

Overall, the assessment of the redevelopment, infill, and vacant land scenarios identifies a large amount of development capacity is available to meet future business demand across the District.

38. Given that the City needs housing capacity as well as industrial, commercial and retail capacity, I have not identified in the HBA a compelling case for rezoning the Site from the ODP High Density Residential to industrial.
39. In my assessment, the Site continues to be well-suited for intensive residential development. The Site is well-located in relation to:
 - 39.1. The Lower Hutt City Centre's shops, services and community and recreational facilities;
 - 39.2. Western Hutt Railway Station and Victoria Street bus services;
 - 39.3. The Hutt River corridor, which provides recreational opportunities as well as routes for active transport modes;
 - 39.4. The neighbouring Victoria Street Reserve;
 - 39.5. The neighbouring Hutt Central Primary School.
40. In my opinion, the appropriate typology of residential development on the Site – intensive residential - is also influenced by the urban neighbourhood character generated by the General Business-zoned sites (LIZ in the PDP) that are immediately adjacent on Railway Avenue as well as across Victoria Street.
41. I have been advised that the Site's owner regards the existing car sales use of the Site as a transitional, low capital-input, relatively low value use of the land that provides a return until such time as market conditions and the owner's aspirations lead to development to achieve the Site's full potential. The use is authorised by resource consent and does not require LIZ zoning.
42. The Site's development potential would be enhanced and made more flexible by enabling mixed use activities that are compatible with residential use. Therefore, I support the MUZ sought by Submission 315. I see no justification to completely curtail residential development on the Site by rezoning it to LIZ. Therefore, I do not support the Site being rezoned as LIZ.
43. According to the HCC PDP Section 32 Evaluation – Commercial and Mixed Use Zones⁹

The Mixed Use Zone has no clear analogue in the operative plan and represents a new policy direction (para 6).

Mixed Use Zones are a new zone with no parallel in the operative plan and apply to sites with a wide variety of zonings in the operative plan. The zone intends to provide for more flexible land use in well-connected areas or areas that form a spatial transition or are in transition over time, where this can serve local needs. It also applies to some sites such as community facilities or with other unusual site-specific issues and opportunities in lieu of having a large range of special-purpose zones to cover such sites (para 11).

⁹ <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/technical-reports,-procedural-issues-and-other-resources>

44. The Site, once zoned MUZ, would be consistent with the above description. The MUZ provides a flexible “best of both worlds” framework, continuing to enable intensive residential while adding the opportunity for complementary business use.

4.3. Section 32AA Assessment of 105-107 Victoria Street, Lower Hutt Rezoning to Mixed Use Zone

4.3.1. Reason

45. The amendment to the Planning Maps is in response to Submission 315, Submission Point 28a, which sought that 105-107 Victoria Street, Lower Hutt is rezoned from Light Industrial Zone to Mixed Use Zone.

4.3.2. How this Change Achieves the Purpose of the RMA

46. The rezoning to MUZ:
- 46.1. Provides the appropriate planning framework for the Site to enable people to provide for their social, economic, and cultural well-being and for their health and safety while-
 - 46.1.1. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - 46.1.2. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - 46.1.3. avoiding, remedying, or mitigating any adverse effects of activities on the environment.
 - 46.2. Gives effect to HCC’s obligations under the NPSUD to provide sufficient development capacity for housing and business;
 - 46.3. Continues to enable intensive residential while adding the opportunity for complementary business use.

4.3.3. Benefits including Opportunities for Economic Growth and Employment

47. The rezoning continues to enable much-needed housing with its associated environmental, social, cultural and economic benefits as part of a well-functioning urban environment. The enabling of compatible mixed use activities provides opportunities for commercial development. There are minor associated opportunities to the construction industry and ongoing benefits from new residents and businesses participating in the local economy.

4.3.4. Costs

48. No significant costs associated with this change have been identified. The Site’s existing use, which is a transitional use, would be able to continue operating under its resource consent.

4.3.5. Risk of Acting or Not Acting if Information is Uncertain or Insufficient

49. No risks around uncertain or insufficient information in relation to this matter have been identified.

4.3.6. Efficiency and Effectiveness

50. The efficiency of the recommended change is high because the benefits outweigh the costs.
51. The effectiveness of the recommended change is high because it contributes to the outcomes sought.

4.3.7. Other Reasonably Practicable Options for Achieving the Objectives

52. No other reasonably practicable options have been identified. Light Industrial zoning would effectively prevent residential use of the Site.

DATED this 6th day of May 2026



Andrew Cumming