

# Section 42A Officer's Report

## Errata

<b>Hearing Stream 2:</b>	Business
<b>Subjects:</b>	<b>Commercial and Mixed Use Zones</b> (this report) Contaminated Land and Hazardous Substances <b>Industrial Zones and the Seaview Marina Zone</b> (this report)
<b>Prepared by:</b>	Stephen Davis Senior Policy Planner, Hutt City Council
<b>Reviewed by:</b>	Nathan Geard Policy Planning Manager, Hutt City Council
<b>Report Date:</b>	7 May 2026
<b>Date of Hearing:</b>	25-29 May 2026

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## 2 Errata

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(1) Since preparation of the Section 42A Reports for Hearing #2 Business – Commercial and Mixed Use Zones, and Industrial Zones and the Seaview Marina Zone, it has come to my attention I inadvertently missed 24 submission points and one further submission point for these topics relating to changes sought to map precincts and overlays. 23 original points and the further submission point are for the Commercial and Mixed Use Zones. The one other original submission point is for the Industrial Zones.

(2) These points are shown in the table below:

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>
<i>Active Street Frontages</i>		
Adrian Palmer Family Trust	315.13a	Remove Active Street Frontage Overlay from 2 Jackson Street, Petone.
Adrian Palmer Family Trust	315.13b	Remove Active Street Frontage Overlay from 337 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13c	Remove Active Street Frontage Overlay from 339 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13d	Remove Active Street Frontage Overlay from 355 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13e	Remove Active Street Frontage Overlay from 369 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13f	Remove Active Street Frontage Overlay from 371 High Street, Hutt Central.

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>
Adrian Palmer Family Trust	315.13g	Remove Active Street Frontage Overlay from 373 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13h	Remove Active Street Frontage Overlay from 375 High Street, Hutt Central.
Adrian Palmer Family Trust	315.13i	Remove Active Street Frontage Overlay from 33 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13j	Remove Active Street Frontage Overlay from 35 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13k	Remove Active Street Frontage Overlay from 37 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13l	Remove Active Street Frontage Overlay from 39 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13m	Remove Active Street Frontage Overlay from 10 Pretoria Street, Hutt Central.
Adrian Palmer Family Trust	315.13n	Remove Active Street Frontage Overlay from 23 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13o	Remove Active Street Frontage Overlay from 25 Rutherford Street, Hutt Central.
Adrian Palmer Family Trust	315.13p	Remove Active Street Frontage Overlay from 27 Rutherford Street, Hutt Central.

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>
<i>Civic Precinct</i>		
Policy Planning team of the Hutt City Council	440.94	Seeks that the south-western boundary of the Civic Precinct boundary is redrawn to match the boundary of the City Centre Zone
<i>Jackson Street Character Transition Precinct</i>		
Adrian Palmer Family Trust	315.6	Remove Jackson Street Character Transition Precinct.
Policy Planning team of the Hutt City Council	440.100	Amend the mapping of the Jackson Street Character Transition Precinct to extend the Jackson Street Character Transition Precinct to cover 354, 358, and 362-364 Jackson Street (the gap between this precinct and the heritage area).
Petone Historical Society Inc	496.62	Remove precinct from east of Kensington Avenue [inferred].
<i>Specific Height Control Overlay – Metropolitan Centre Zone</i>		
Petone Historical Society Inc	496.63b	Replace 22m Specific Height Control Overlay with 10m Specific Height Control Overlay for 354, 358, and 362-364 Jackson Street.
Petone Historical Society Inc	496.61	Replace 22m Specific Height Control Overlay with 10m Specific Height Control Overlay between eastern end of Jackson Street Heritage Area and Cuba Street for sites fronting Jackson Street [inferred].
Jackson Street Programme	419.9	Seeks "relaxation of height limits in the Heritage Precinct from 10m to 15m-20m with the proviso that there is a sufficient set back that does not adversely impact the overall streetscape".

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>
Heritage New Zealand Pouhere Taonga	F08.10	Disallow original submission point 419.9
<i>Specific Height Control Overlay – Light Industrial Zone</i>		
A Investment Company Ltd	35.9	Replace height limit on 41 Percy Cameron Drive with a 22-metre height limit.

- (3) I discuss and recommend my responses to these submission points below.
- (4) These matters do not alter any other evaluations in the original report apart from those discussed below.

## **2.1 Discussion of submissions and recommendations**

### **2.1.1 Active Street Frontages**

- (5) The Adrian Palmer Family Trust (315.13a through 315.13p) seeks to remove the Active Street Frontage Overlay from sixteen specific sites.
- (6) Given the wide scope of submissions on the Active Frontages, particularly the submission point of Pandion Ltd (259.5) to substantially review the application of the overlay, in the Section 42A Report I had regard to all of these sites as part of evaluating the overlay as a whole. The Trust does not raise any new or site-specific reasons in their submission and so I believe the assessment in the original report still applies, and I still recommend deleting the overlay from only those frontages shown in the maps on pages 89 to 91 of the report. This results in the following recommendations:
- (7) Reject the following requested deletions from the Active Street Frontage Overlay:
- 2 Jackson Street, Petone (315.13a)
  - 337-375 High Street, Hutt Central (315.13b, 315.13c, 315.13d, 315.13e, 315.13f, 315.13g, 315.13h)

- (8) Accept the following requested deletions:
- 23–27 Rutherford Street, Hutt Central (315.13n, 315.13o, 315.13p)
  - 33–39 Rutherford Street, Hutt Central (315.13i, 315.13j, 315.13k, 315.13l)
  - 10 Pretoria Street, Hutt Central (315.13m)
- (9) The Section 32AA analysis in the original report thus still applies.

## 2.1.2 Civic Precinct

- (10) The Policy Planning Team (440.94) seeks that the Civic Precinct boundary be re-aligned to match the City Centre Zone boundary at the south-western edge. The discrepancy is shown below:



- (11) This would correct an error introduced between the draft and the notified plan where the City Centre Zone boundary was redrawn to better match the designation boundaries, but the precinct was not updated.
- (12) The precinct is proposed as a single-zone precinct and would have no effect in the Open Space Zone, and so removing it would likewise have no effect.

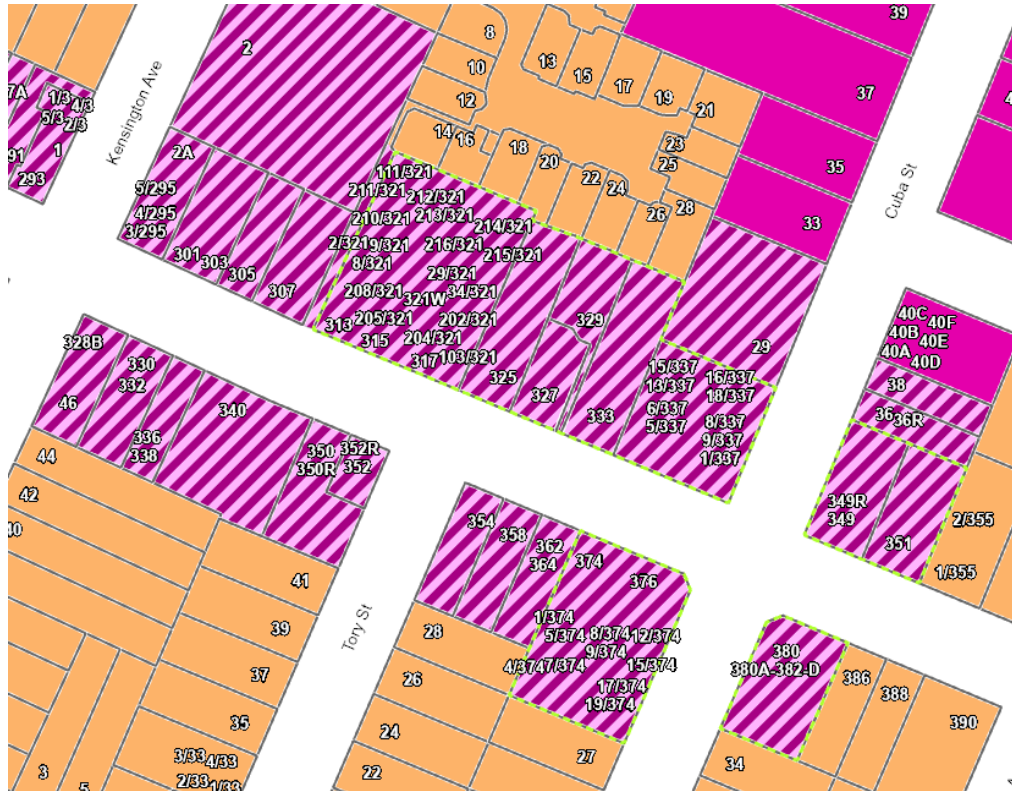
- (13) As this is merely correcting a clear error and would have no substantive effect on the plan I recommend accepting this relief.
- (14) No Section 32AA analysis is needed as this would not be a substantive change.

### **2.1.3 Jackson Street Character Transition Precinct**

- (15) The Adrian Palmer Family Trust (315.6) seeks that the Jackson Street Character Transition Precinct be deleted entirely.
- (16) This issue was addressed in the main report<sup>1</sup> as the relief was also sought by other submitters.
- (17) The Trust do not give any reasons not already covered in the main report and so I think that assessment still applies. Accordingly, I recommend rejecting this point.
- (18) The following points relate only to the eastern part of the precinct, shown below, and relate to alignment of the precinct boundary with the Jackson Street Heritage Area boundary:

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<sup>1</sup> Commercial and Mixed Use Zones Section 42A Report, pages 81 to 83

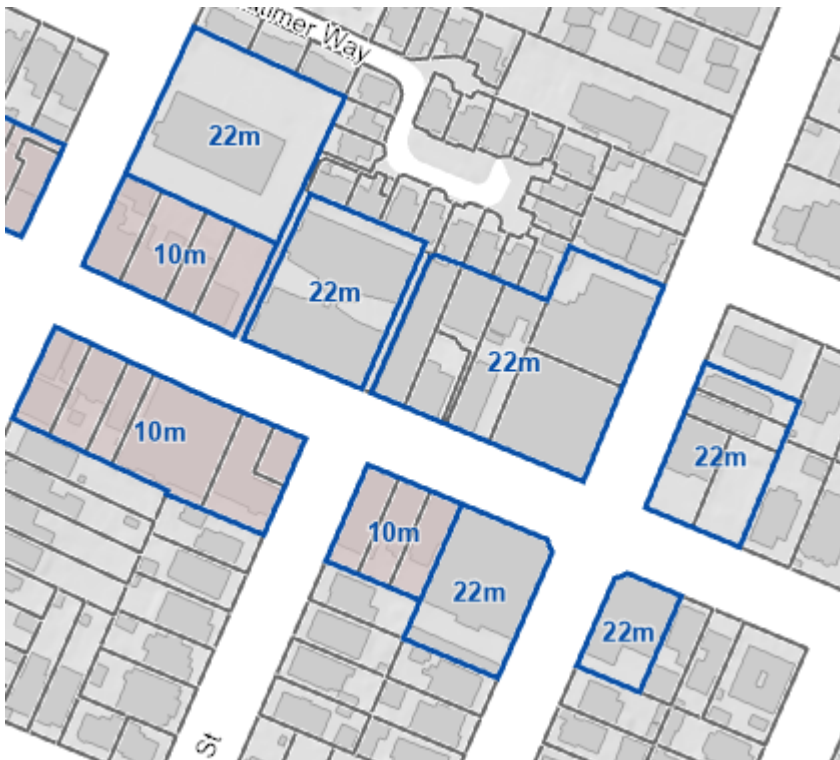


- (19) The Policy Planning Team (440.100) seek to amend the Precinct to extend it to cover 354, 358, and 362-264 Jackson Street. These are sites that fall within the operative Jackson Street Heritage Area but in the proposed plan as notified, would have not been in the new Jackson Street Heritage Area.
- (20) In the plan as notified, this would therefore have fixed a gap that would have occurred between the Precinct and the Jackson Street Heritage Area, which are meant to align. However, with the Plan Stop requirements and the withdrawal of the proposed Historical Heritage chapter and its maps, the operative Jackson Street Heritage Area will remain, the gap no longer exists, and there is no longer an error to fix. Accordingly, I recommend rejecting this point.
- (21) The Petone Historical Society (496.62) seeks to remove the Precinct from east of Kensington Avenue.
- (22) This would be a natural consequence of the broader relief sought in their submission of extending the Jackson Street Heritage Area to cover this area instead. With the Plan Stop requirements and the withdrawal of the Historical Heritage chapter that broader relief can no longer be advanced through the PDP.

- (23) I already discuss this issue in the main report<sup>2</sup> for other, comparable submission points. As this relief would now no longer be able to advance the Society's main goal of extending the Heritage Area and undermine the principle that they advance (and that I agree with) that the Heritage Area and Precinct boundaries should align, I recommend rejecting this relief.
- (24) No Section 32AA analysis is needed as I am not recommending any change to the proposed plan.

## 2.1.4 Specific Height Control Overlay (in the Metropolitan Centre Zone)

- (25) The Petone Historical Society (496.63b, 496.61) seeks to replace the 22 metre Specific Height Control Overlay with a 10-metre overlay at the eastern end of Jackson Street:



- (26) This would have been a natural consequence of their broader relief of extending the Jackson Street Heritage Area, which I discuss above in

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<sup>2</sup> Commercial and Mixed Use Zones Section 42A Report, page 81, paragraph 375 onward.

section 2.1.3. However, it is also relief that could be pursued separately absent any extension of the heritage area.

- (27) This area is subject to the requirements of Policy 3(b) of the National Policy Statement on Urban Development (NPS-UD):

*In relation to tier 1 urban environments ... district plans enable:*

*...*

*(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; ...*

- (28) A 10-metre height limit would not enable building heights of at least 6 storeys. In order for this relief to be permissible, there would need to be an applicable qualifying matter as described in Policy 4 of the NPS-UD, and the procedural requirements of section 3.33 of the NPS-UD<sup>3</sup> would need to be met through an appropriate report.
- (29) In the case of a potential heritage qualifying matter, and the question of whether heights *outside* the Jackson Street Heritage Area need to be limited to protect the heritage values of the area itself, this was addressed and expert advice tendered in the hearings for the Council's Intensification Planning Instrument in 2023<sup>4</sup>. I believe that logic still applies, particularly as given the Plan Stop exemption requirements there would be no ability to support this height limit with any appropriate heritage-related policies or matters of discretion.
- (30) For a qualifying matter to protect the heritage values of buildings within the affected area, that would be outside the scope of the Plan Stop exemption as it would, in effect, be expanding the heritage area.
- (31) Accordingly, I do not recommend accepting this relief.

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<sup>3</sup> NPS-UD, page 27.

<sup>4</sup> See the evidence of Chessa Stevens in Appendix 5 to the Section 42A report for Plan Change 56, paragraphs 35 to 41. This recommendation that heights (both in general, and in relation to boundaries) not be limited on heritage grounds outside the heritage area itself was accepted by Council in its decision. [https://hccpublicdocs.azurewebsites.net/api/download/7210cb015bf3423eb849e753bed7dbae/\\_districtplann/b475dcfc281785d59483c9719e2ba3b858bd8](https://hccpublicdocs.azurewebsites.net/api/download/7210cb015bf3423eb849e753bed7dbae/_districtplann/b475dcfc281785d59483c9719e2ba3b858bd8), page 11 of Appendix 5.

- (32) The Jackson Street Programme (419.9) seeks to increase height standards within the Jackson Street Heritage Area from 10 metres to 15-20 metres where this is set back enough from Jackson Street to not adversely impact the overall streetscape.
- (33) This relief is opposed by Heritage New Zealand Pouhere Taonga (F08.10) which seeks the notified height limit be retained.
- (34) In the plan as notified, the height standards within the zone do not directly address the protection of historic heritage or the heritage values of the streetscape, as this would have been handled through the provision of the now-withdrawn Historical Heritage chapter.
- (35) The activity status for a building is the same (restricted discretionary) whether or not it complies with the 10m height limit, but a non-compliance would mean the following additional urban design matters are added to the matters of discretion from MCZ-P8:

...

*2. The form and scale of development protects access to sunlight and daylight in well-used streets and public spaces.*

*3. Manage the form and scale of development near the Jackson Street Heritage Area to protect the significant historic heritage values of that area.*

...

*5. Ensure residential units have access to outdoor living spaces that:*

- a. Are located and oriented to ensure good access to sunlight,*
- b. Are of a functional size and configuration,*
- c. Provide screening or landscaping to contribute to privacy, or*
- d. Alternatively, public open space is located nearby that is accessible and functional for residents.*

...

*7. Ensure adequate access to sunlight for existing outdoor living spaces on adjacent residential zone sites.*

*8. The amenity of surrounding Residential Zones, Rural Zones, and Marae Zones is protected.*

...

- (36) These would otherwise apply for buildings over 22 metres in the nearby area. In themselves, these urban design matters do not form a major barrier to a new building of more than 10 metres in the Jackson Street Heritage Area, and I expect buildings to routinely be consented under the PDP through assessment rather than compliance with standards. In the context of Jackson Street, I think that it is possibly more important that these urban design factors not be overlooked given the potentially tighter constraints on development for heritage reasons.
- (37) Urban design matter 3 applies to the form and scale of development near the Jackson Street Heritage Area, rather than within it, where it is supporting assessment of buildings taller than 22 metres, which I think is appropriate.
- (38) As to whether there should be a change in the assessment of the effects of building height on heritage values themselves, this is now outside the scope of the Plan Stop exemption, and the guidelines in Chapter 14F Appendix Heritage 4 of the Operative District Plan will continue to apply.
- (39) Accordingly, I recommend that the relief be rejected.
- (40) No Section 32AA analysis is needed as I am not recommending any change to the proposed plan.

## **2.1.5 Specific Height Control Overlay (in the Light Industrial Zone)**

- (41) A Investment Company (35.9) seeks that the Specific Height Control Overlay for 41 Percy Cameron Drive be increased from 12 metres to 22 metres. This is in the context of the submitter's broader relief seeking rezoning of the site from Light Industrial to Mixed Use, which I discuss in the main report<sup>5</sup> and which I believe that assessment still applies.

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<sup>5</sup> Industrial Zones and the Seaview Marina Zone Section 42A report, pages 100-103

- (42) The height limit, however, could be adjusted independently of the zone, as both of the zones in question provide for a Specific Height Control Overlay.
- (43) The submitter gives the following reasons for adjusting the height limit, independent of the zone:
- That the precinct is a strategic site with a large land area and has significant potential to deliver housing and commercial space to the city.
  - The adjoining High Density Residential Area has a 22-metre height limit.
  - An existing building (Avalon Tower) is taller than 12 metres already.
  - There is no section 32 analysis of the proposed height limit.
- (44) I agree that the site has the potential to deliver substantial business space. As I discuss in the main report, I believe this potential is best used for light industrial development capacity for which the 12-metre height limit is broadly appropriate. While the standard height limit for the Light Industrial Zone is 22 metres, this is as the zone predominantly exists within the NPS-UD Policy 3 walkable catchments where a six-storey limit is required. Other uses of the zone outside the walkable catchments use the typical 11/12-metre height limit standard for the rest of the urban area<sup>6</sup>.
- (45) The site does adjoin the High Density Residential Zone with a 22-metre height limit at one point. The plan generally carries over the approach to height from the Council's 2022-23 Intensification Planning Instrument, which implemented Policy 3 of the National Policy Statement on Urban Development. The height limit distinction exists because this is the edge of the roughly 800 metre walkable catchment of Wingate railway station, per Policy 3(c) of the NPS-UD. As seen in the map below, the height for the site follows the general pattern of a 11/12-metre height limit outside the walkable catchment (through the Specific Height Control Overlay and Medium Density Residential Zone) and 22 metres within (through the

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<sup>6</sup> Aside from Open Space and Recreation Zone and the Large Lot Residential Zone, which are both special cases.

General Industrial Zone, Mixed Use Zone and High Density Residential Zone):



- (46) The boundary of the walkable catchment needs to be somewhere and with the evidence available at this point I do not see a need to revisit the decision on the Intensification Planning Instrument.
- (47) The building the submitter raises, Avalon Tower, is already more than 12 metres and indeed one of the tallest buildings in the city. It is a landmark of Lower Hutt, and it was proposed for listing as a heritage building in the PDP. As with the other provisions of the Historical Heritage chapter, it has been withdrawn to comply with the scope of the Plan Change exemption. Given this limit on scope, I think it would be a reasonable approach to ignore the existence of the unique Avalon Tower entirely for the purpose of deciding on a height limit for the surrounding area, and leave it to a future plan change, but if the tower is not to be ignored, then it should not be considered as a precedent or example without also taking its heritage values into account.
- (48) The Section 32 Report evaluates building height as part of the general evaluation of buildings and structures rules and policies (see section 8.3.2 of that report). A Section 32 report by nature needs to assess an entire proposed plan chapter in general enough terms to a degree necessary to allow the Council to make a decision on whether to notify those plan provisions. More detailed and specific evidence at a site-by-site scale can

be prepared through the current hearings process that focusses on issues of particular concern to submitters.

- (49) Accordingly, I do not see a case for departing from the overall approach to height limits and I think that the 12-metre height limit for the site remains appropriate and recommend rejecting this relief.
- (50) If the panel is nonetheless of a mind to grant the submitter's main point about the rezoning of the site to the Mixed Use Zone then I would reassess the height limit issue as I think the balance of issues would be different in the context of that zone.
- (51) No Section 32AA analysis is needed as I am not recommending any change to the proposed plan.

## 2.2 Summary of recommendations

- (52) Accordingly, I believe the assessment in the main reports still applies and the additional issues do not warrant recommending a change to the plan as proposed, except for correcting the error in the Civic Precinct, and for the Active Street Frontage where the main report already recommended such a change based on another submission point.
- (53) My recommendations on these additional individual submission points are:

Submitter	SP No.	Relief	Recommendation
<i>Active Street Frontages</i>			
Adrian Palmer Family Trust	315.13a	Remove Active Street Frontage Overlay from 2 Jackson Street, Petone.	Reject
Adrian Palmer Family Trust	315.13b	Remove Active Street Frontage Overlay from 337 High Street, Hutt Central.	Reject

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>	<b>Recommendation</b>
Adrian Palmer Family Trust	315.13c	Remove Active Street Frontage Overlay from 339 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13d	Remove Active Street Frontage Overlay from 355 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13e	Remove Active Street Frontage Overlay from 369 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13f	Remove Active Street Frontage Overlay from 371 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13g	Remove Active Street Frontage Overlay from 373 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13h	Remove Active Street Frontage Overlay from 375 High Street, Hutt Central.	Reject
Adrian Palmer Family Trust	315.13i	Remove Active Street Frontage Overlay from 33 Rutherford Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13j	Remove Active Street Frontage Overlay from 35 Rutherford Street, Hutt Central.	Accept

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>	<b>Recommendation</b>
Adrian Palmer Family Trust	315.13k	Remove Active Street Frontage Overlay from 37 Rutherford Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13l	Remove Active Street Frontage Overlay from 39 Rutherford Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13m	Remove Active Street Frontage Overlay from 10 Pretoria Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13n	Remove Active Street Frontage Overlay from 23 Rutherford Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13o	Remove Active Street Frontage Overlay from 25 Rutherford Street, Hutt Central.	Accept
Adrian Palmer Family Trust	315.13p	Remove Active Street Frontage Overlay from 27 Rutherford Street, Hutt Central.	Accept
<i>Civic Precinct</i>			
Policy Planning team of the Hutt City Council	440.94	Seeks that the south-western boundary of the Civic Precinct boundary is redrawn to match the boundary of the City Centre Zone	Accept

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>	<b>Recommendation</b>
<i>Jackson Street Character Transition Precinct</i>			
Adrian Palmer Family Trust	315.6	Remove Jackson Street Character Transition Precinct.	Reject
Policy Planning team of the Hutt City Council	440.100	Amend the mapping of the Jackson Street Character Transition Precinct to extend the Jackson Street Character Transition Precinct to cover 354, 358, and 362-364 Jackson Street (the gap between this precinct and the heritage area).	Reject
Petone Historical Society Inc	496.62	Remove precinct from east of Kensington Avenue [inferred].	Reject
<i>Specific Height Control Overlay – Metropolitan Centre Zone</i>			
Petone Historical Society Inc	496.63b	Replace 22m Specific Height Control Overlay with 10m Specific Height Control Overlay for 354, 358, and 362-364 Jackson Street.	Reject

<b>Submitter</b>	<b>SP No.</b>	<b>Relief</b>	<b>Recommendation</b>
Petone Historical Society Inc	496.61	Replace 22m Specific Height Control Overlay with 10m Specific Height Control Overlay between eastern end of Jackson Street Heritage Area and Cuba Street for sites fronting Jackson Street [inferred].	Reject
Jackson Street Programme	419.9	Seeks "relaxation of height limits in the Heritage Precinct from 10m to 15m-20m with the proviso that there is a sufficient set back that does not adversely impact the overall streetscape".	Reject
Heritage New Zealand	F08.10	Disallow original submission point 419.9	Accept
<i>Specific Height Control Overlay – Light Industrial Zone</i>			
A Investment Company Ltd	35.9	Replace height limit on 41 Percy Cameron Drive with a 22-metre height limit.	Reject