

20 June 2023

By Email: Jaskirat.Kaur@wcc.govt.nz

Attention: Hearing Panel for the Proposed Wellington District Plan

Wellington City Council
PO Box 2199
Wellington 6140

Letter in support of Oyster's submissions on the General Industrial Zone

1. Introduction

- 1.1 The Wellington City Council (**Council**) notified the Proposed Wellington District Plan (**Proposed Plan**) on 18 July 2022. Oyster Management Limited (**Oyster**) made a submission on the Proposed Plan on 12 September 2022 (submitter number 404).
- 1.2 The section 42A report for the General Industrial Zone (**GIZ**) was notified on 26 May 2023. The hearing for the GIZ (Hearing stream 4 – Centres) commences on 22 June 2023.
- 1.3 Joe Jeffries and Cam Wallace have provided expert evidence on behalf of Oyster in relation to the City Centre Zone. Tom Jamieson has also provided a statement of corporate evidence on behalf of Oyster and MinterEllisonRuddWatts has filed legal submissions in relation to the City Centre Zone.
- 1.4 Oyster provides this letter to the Hearing Panel in response to the section 42A report for the GIZ.

2. Background to Oyster

- 2.1 Background information on Oyster is included in the statement of corporate evidence provided by Tom Jamieson.
- 2.2 In the GIZ, Oyster's property portfolio consists of:
 - (a) 6 Hurring Place – Newlands Fire Station and associated offices; and
 - (b) 12 Newlands Road – Cityfitness Newlands and associated offices.

3. Feedback on recommendations in the section 42A report for the GIZ

Building height

- 3.1 Oyster made a submission seeking an increase in the maximum permitted building height (GIZ-S1), for the Newlands industrial area, from 15m to 20m. In the section 42A report, the Council Officer recommends increasing the maximum permitted building height to 18m.¹
- 3.2 Oyster supports the Council Officer's recommendation to the extent that the maximum building height for Newlands industrial area is increased. However, Oyster considers that the maximum permitted building height for the Newlands Industrial area should be increased to 20m.
- 3.3 Oyster considers that 20m is the appropriate maximum permitted building height for the Newlands industrial area because of its proximity to State Highway 1 and the Johnsonville Metropolitan Centre. Allowing greater height in the Newlands industrial area will better give effect to Policy 2 of the

¹ *Proposed Wellington District Plan – Section 42A Report: General Industrial Zone (26 May 2023) at paragraph 215.*

National Policy Statement on Urban Development (**NPS-UD**) because it will provide for greater business capacity to help meet demand over the medium and long term.

- 3.4 As noted in the section 42A report, the steep embankment to the south of the Newlands industrial area provides a natural buffer.² The natural buffer means that greater height can be provided with minimal adverse effects on adjoining properties. Oyster also notes that 20m maximum permitted building height is consistent with industrial zones in other districts.
- 3.5 Oyster also made a submission to increase the maximum restricted discretionary building height limit for Newlands industrial area (GIZ-R2) from 22.5m to 24m. The Council Officer recommends accepting Oyster's submission. Oyster supports the Council Officer's recommendation.

Gyms

- 3.6 Oyster made a submission seeking that a new definition for 'indoor exercise facilities' (gyms) was added to the Proposed Plan and that indoor exercise facilities were provided for as a permitted activity in the GIZ.
- 3.7 In the section 42A report, the Council Officer states that a gym could be considered a service retail activity in the GIZ and would therefore be a permitted activity under GIZ-R4 of the Proposed Plan.³ Under the Proposed Plan, service retail activity means "the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians and banks." However, the Council Officer also states that if a gym is not considered a service retail activity, it will be a discretionary activity under GIZ-R6 (as an activity not provided for).⁴
- 3.8 It is not clear from the Proposed Plan whether a gym would be considered a service retail activity under the Proposed Plan. It is also unclear whether the Council Officer considers that a gym is a service retail activity for the purposes of the Proposed Plan.
- 3.9 Oyster considers that gyms should be a permitted activity in the GIZ because the GIZ generally includes large scale buildings that can accommodate gyms, and gyms are compatible with light industrial activities.
- 3.10 To clarify the activity status of gyms in the GIZ, Oyster proposes that 'gym' or 'indoor exercise facility' is added to the list of examples in the definition of service retail under the Proposed Plan. Oyster proposes that the definition of 'service retail' is amended as follows (deletions in strike through and additions underlined):

Service retail means the sale of served food and/or beverages, and/or services such as, but not limited to video and DVD hire, dry cleaners, takeaway food outlets, cafés, pubs, bars, hairdressers and beauticians, and banks, and gyms.

² Proposed Wellington District Plan – Section 42A Report: General Industrial Zone (26 May 2023) at paragraph 215.

³ Proposed Wellington District Plan – Section 42A Report: General Industrial Zone (26 May 2023) at paragraph 43.

⁴ Proposed Wellington District Plan – Section 42A Report: General Industrial Zone (26 May 2023) at paragraph 43.

Emergency service facilities

- 3.11 Oyster made a submission in support of the permitted activity status for emergency service facilities in the GIZ (GIZ-R3). The Council Officer recommends that GIZ-R3 is confirmed as notified.⁵ Oyster supports the Council Officer's recommendation.

Yours faithfully

MinterEllisonRuddWatts



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Reference: 201029494

⁵ Proposed Wellington District Plan – Section 42A Report: General Industrial Zone (26 May 2023) at paragraph 163.