

**Form 5 Submission on notified proposal for policy statement or plan, change or variation**  
*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Queenstown-Lakes District Council

**Name of submitter:** Schist Holdings Limited

**This is a submission on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing policy statement or plan) (the proposal):**

1. Chapter 18A General Industrial Zone; and
2. All General Industrial Zone areas on the planning maps.

**I ~~could~~/could not gain an advantage in trade competition through this submission.**

**I am/~~am not~~ directly affected by an effect of the subject matter of the submission that—**

**(a) adversely affects the environment; and**

**(b) does not relate to trade competition or the effects of trade competition.**

**The specific provisions of the proposal that my submission relates to are:**

1. Chapter 18A General Industrial Zone; and
2. All General Industrial Zone areas on the planning maps.
3. All variations related to the General Industrial Zone.

**My submission is:**

1. Schist Holdings Limited (**SHL**) own land at the southern end of Glenda Drive, Queenstown, that has been proposed for rezoning to General Industrial under Stage 3 of the notified Proposed District Plan (**PDP**).
2. Plan Change 36 and the Industrial B zone was a deliberate response by Council to the Industrial A zone, which provided for activities like residential, commercial, education and office activities in the existing Industrial A zones, which at the time were largely developed. The Industrial B zone was more of a pure industrial / service activity zone, and was applied to a discrete areas adjoining the Industrial A zone in Wanaka.
3. The operative Industrial A and B zones have quite different objectives, policies and rules and reflect the different nature of the industrial areas of the Queenstown Lakes district. The Industrial A zone has been applied to the existing industrial areas that are more 'business / light industrial' in nature, and the Industrial B zones was a more 'pure industrial' zone suitable for new industrial areas that are yet to be developed, where the opportunity still exists to regulate unwanted activities.
4. By combining the Industrial A and B zones into a single 'General Industrial' zone, the provisions have become a 'one-size fits all' approach, however it is an approach based primarily on the operative Industrial B zone provisions, where many activities other than industrial or service activities are prohibited.

5. This approach fails to recognise the existing nature of the areas currently zoned Industrial A under the Operative District Plan, including the Glenda Drive industrial area in particular, where industrial and service activities are not the dominant land uses. As the section 32 report notes in Figure 12, office and commercial activities are in fact the second and third greatest land uses in the Glenda Drive industrial area, however the notified provisions seek that these now be prohibited activities.
6. Given the extent of built development in the Glenda Drive industrial area, it is not possible to turn it back into a more pure industrial zone. The provisions do not recognise that the Glenda Drive industrial area is already largely developed and includes multiple residential, commercial and office activities. The nature of the area includes many trade suppliers for example, which under the notified provisions would become a prohibited activity. While these activities can likely continue under the existing land use consents (which when given effect to never lapse), a prohibited activity status could create problems for minor alterations or additions or other changes.
7. The use of a prohibited activity status for many activities is not consistent with Court of Appeal case law from the Coromandel Watchdog case which describes the circumstances in which a prohibited activity status should be used.
8. Issue 5 of the s.32 report does not properly assess the implications of moving from the operative Industrial A and B zones to a single General Industrial zone. The National Planning Standards in fact have three zones, Light, General and Heavy Industrial to reflect the different nature of industrial areas.
9. The approach under the ODP of having two industrial zones reflected the nature of the different industrial areas, whereas the General Industrial seeks to retrospectively apply a pure industrial zone to areas that are already developed and are not purely industrial in nature.
10. It is requested that further consideration be given to a two zone approach that reflects the nature of the industrial area, and applying the General Industrial provisions to new greenfield industrial areas only (identified through the Future Development Strategy / spatial plan) rather than existing industrial areas. In the alternative, the objectives, policies and rule should be amended to reflect that existing industrial areas zoned Industrial A have been developed already in a way that is not 'pure industrial' in nature, and to provide for the continued operation of these premises.
11. Strategic Direction policy 3.3.8 can still be achieved by applying a new 'pure industrial' zone such as the General Industrial zone to new greenfield areas to be created as a result of the Future Development Strategy and spatial plan (e.g. like Coneburn Industrial), however it should not be achieved by applying the proposed General Industrial zoning to existing Industrial A zoned areas that are not truly industrial in nature.

**I seek the following decision from the local authority:**

1. Split the General Industrial zone into A and B zones to reflect the different nature of the existing industrial areas within the Queenstown Lakes district, with a revised zoning applying to those areas currently zoned Industrial A under the ODP that is more enabling of commercial, office and trade supplier activity. This zoning may in fact be a 'Business Mixed Use' type zoning but without residential for each ODP Industrial A zoned area and with different height controls.

In the alternative:

2. Amend all of Chapter 18A to reflect the different nature of the areas currently zoned Industrial A, in particular the Glenda Drive industrial zone which is more 'business' in nature and has more office and commercial uses than industrial or light industrial activity.
3. Amend Section 18A.1 'Purpose' to recognise the different nature of the Glenda Drive industrial area which, as confirmed by the s.32 report, contains many commercial and office activities and is more 'business' in nature.
4. Amend Objective 27.3.13 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities, but rather offices and commercial activities are common.
5. Amend Policy 18A.2.2.1 to exclude the Glenda Drive industrial area and other industrial areas zoned Industrial A under the ODP.
6. Add new Policy 18A.2.2.1A:  
**Recognise the Glenda Drive industrial area contains a large number of established office and commercial activities and enable their continued operation.**
7. Amend Policy 27.3.13.1 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities, but rather offices and commercial activities are common..
8. Amend Policy 27.3.13.6 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities, but rather offices and commercial activities are common.
9. Amend Rule 18A.4.5 for Buildings from Restricted Discretionary to Controlled, and amend the matters of discretion to matters of control.
10. Amend Rule 18A.4.10 from non-complying to discretionary, in recognition that offensive trades will inevitably be located in General Industrial Zone (as amended through submissions).
11. Amend Rule 18A.4.12 to remove Trade Suppliers from being a Prohibited Activity and make these a Controlled Activity in the Glenda Drive industrial area.
12. Amend Rule 18A.4.14 to remove Office and Commercial activities and make these a controlled activity in the Glenda Drive industrial area.
13. Amend Rule 18A.5.1 to enable a greater amount of ancillary office retail and commercial activities in the Glenda Drive industrial area, specifically 50 – 150m<sup>2</sup> = controlled, 150m<sup>2</sup>+ = restricted discretionary.
14. Amend Rule 18A.5.2 to clarify it, as it contains confusing wording listing Licensed Premises as non-complying but then has in brackets (excluding the sale of liquor).
15. Any other consequential changes necessary to achieve the above relief.

**I wish/~~do not wish~~† to be heard in support of my submission.**

**~~If others make a similar submission, I will consider presenting a joint case with them at a hearing.~~**



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on behalf of Schist Holdings Limited.

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Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

it is frivolous or vexatious:

it discloses no reasonable or relevant case:

it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:

it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Schedule 1 form 5 heading: amended, on 18 October 2017, by regulation 15(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 5: amended, on 18 October 2017, by regulation 15(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5: amended, on 14 September 2017, by regulation 15(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 5: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 5: amended, on 1 June 2006, by regulation 10(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).