



COMMUNITY
HOUSING TRUST

QUEENSTOWN LAKES

Queenstown Lakes Community Housing Trust, PO Box 1748, Queenstown 9348 www.housingtrust.co.nz

SCANNED

09/06279



Alyson Hutton
Queenstown Lakes District Council
Queenstown

23 November 2009

Notice of Appeal Queenstown Lakes District Council Decision on Plan Change 19: Frankton Flats B

Dear Alyson

Please find attached a copy of the Notice of Appeal from the Queenstown Lakes Community Housing Trust in respect of the above matter, along with a copy of the Queenstown Lakes Community Housing Trust's original submission.

Yours faithfully,

David Cole
Chairman, Queenstown Lakes Community Housing Trust

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1. Queenstown Lakes Community Housing Trust ("the Appellant") appeals against the decision of Queenstown Lakes District Council ("the Respondent") on the following matter:
 - a. Plan Change 19 (Frankton Flats B) to the Partially Operative District Plan ("The Plan")
2. The Trust filed a submission on Plan Change 19.
3. The Trust received notice of the decision of Council on 12 October 2009.
4. The Respondent made a decision to accept the recommendations of the hearings panel who were commissioners acting under delegated authority from the Council.
5. The parts of the decision that are being appealed relate to all mentions of 'affordable housing' in the text proposed to be inserted in the Plan.
6. The decision accepted in part the submission of the Trust. The Trust sought in its submission that Plan Change 19 be consistent with the policy direction of Plan Change 24 which was being drafted at the time and was notified shortly after Plan Change 19. That policy direction suggested that 'linkage zoning' mechanisms be used to ensure that affordable and community housing be delivered from new zonings. This policy direction was reflected in the notified Plan Change 24.
7. It is the Trust's view that the amendments in the decision on Proposed Plan Change 19 are inconsistent with proposed Plan Change 24. Specifically, the reasons for the appeal are that:
 - a. The commissioners erred in not prescribing that any contribution should be calculated in accordance with proposed Appendix 11 (as proposed to be inserted by Plan Change 24). The implication of this is that it will be very difficult to establish what a reasonable amount of affordable and community housing to be delivered will be.
 - b. The Commissioners erred on the occasions they inserted references to 'affordable housing' as opposed to 'affordable and community housing'. This terminology is of significance as 'community housing' and 'affordable housing' are proposed to be separately defined in the Plan through proposed Plan Change 24 - Affordable and Community Housing (under appeal). The implication is that this may affect whether community housing will be delivered in the proposed Frankton Flats B zone.
8. It is understood that Plan Change 24 is under appeal and that the outcome is uncertain. If the Court were to find that the use of a District Plan to secure the

delivery of affordable and community housing is appropriate, and that the methods proposed by Plan Change 24 are appropriate (possibly amended), the Trust considers that affordable and community housing should be provided in the Frankton Flats B Zone.

9. The Trust seeks in its appeal that Plan Change 19 be amended such that:
 - a. on all occasions where the proposed District Plan provisions refer to 'affordable housing', the term 'affordable and community housing' be instead used; and
 - b. the provisions requiring an Affordable Housing Plan make specific reference to Appendix 11 as the methodology for how such a plan should be prepared; or
 - c. any other amendment be made to ensure appropriate amounts of community housing and affordable housing be delivered in the area affected by the Frankton Flats B zone.
10. The appellant attaches the following documents to this Notice:
 - a. A copy of the appellants' submissions;
 - b. A copy of the relevant decision of the QLDC;
 - c. A list of the names and addresses of persons to be served with a copy of this notice.

Below is the Queenstown Lakes Community Housing Trust's (the Trust) submission to Plan Change 19 – Frankton Flats (B). The Trust's overall purpose is to promote the provision of affordable community housing for the benefit of the community in the District. The Trust **opposes in part** the Plan Change in its current form for the reasons set out below.

The Trust considers that in the spirit of recent plan changes in the District that have involved stakeholder agreements requiring a contribution of affordable housing and in light of the Council's preferred direction for Plan Change 24 indicating that new zoning will be subject to an affordable housing requirement, that it is entirely appropriate that a requirement for affordable housing provision be either written into the District Plan for the Frankton Flats zone or that appropriate other legally binding arrangements be made to ensure the delivery of affordable housing in Frankton Flats. The significant role Frankton Flats is proposed to play in meeting future housing supply needs in the District is noted. It is considered critical that in order for the Council to secure its identified target in the HOPE strategy of 2320 affordable homes by 2016, that a portion of the housing in Frankton Flats be secured as community housing in line with emerging Council policy.

In light of this position, Policy 2.4 is supported:

*To provide for a suitable range of local services and business activities including retailing, visitor accommodation, residential, tertiary education and associated commercial and short term residential uses, **affordable housing**, mixed live/work units, business, and both light and heavier industrial uses which provides for projected land use requirements; (emphasis inserted)*

It is however considered that this policy, with respect to affordable housing, either needs to be reflected in the Rules, or that a legally binding commitment(s) to the provision of a specified amount of affordable housing be entered into between the Council and the landowners in lieu of such Rules.

The Trust acknowledges that Five Mile Holdings have to date indicated their willingness to provide affordable housing (and that other landowners may have similar intentions). This intention is appreciated by the Trust. It is considered that, in the interests of the community, this commitment needs to be formalised in the Plan, or through an alternative process before a decision is made on the Plan Change.

The advantage of having the requirement stipulated in the Plan is that it would provide certainty that the community housing will be delivered and that there be a fair, proportionate requirement on all landowners. Other mechanisms that achieve these ends that can be agreed to outside of the planning process will be welcomed by the Trust. The Trust desires to exercise its advocacy responsibility in seeking to ensure that community housing that meets the Council's criteria will be secured in this development.

We are seeking that, in accordance with the preferred direction produced by the Council, linkage zoning calculations be done for the assumed development potential provided by the provisions of the Plan Change be undertaken. The Council's discussion document Proposed Plan Change 24: Community Housing Working Paper One describes how this

could be undertaken while it is expected that the forthcoming Plan Change 24 will further detail such a method.

Discussions with the Council have indicated that it is anticipated that Plan Change 24 Community Housing will be publicly notified in September 2007. As well as providing details on the methodologies for calculating a contribution of community housing as envisaged by the Council, detailed information on the definition of community housing, the need for retention mechanisms and appropriate eligibility criteria for the occupation of community housing will be set out in this Plan Change. We therefore do not consider it necessary or appropriate to articulate in this submission such details. Rather, we seek that the Council undertakes work in accordance with the direction established in the preferred direction for Plan Change 24 to calculate the proportion of community housing that would be appropriate and amend the Plan Change 19: Frankton Flats B (or seek relief through other means as discussed above).

We wish to be heard in support of this submission

Regards

David Cole
Chair
Queenstown Lakes Community Housing Trust