

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the publicly Notified
Plan Change 50

AND

IN THE MATTER

of a late submission by
Lucy Bell

RESPONSE TO DIRECTIONS FROM JUDGE HANSEN
Meeting held 16 January 2015

FOR THE ATTENTION AND CONSIDERATION OF THE COMMISSIONERS:

1. As directed I supply a record of my investigations to date to determine the accuracy of survey lines presented by the council for planning consideration with regard to Plan Change 50.
2. I apologise in advance for the delay however below, under Area A, is an explanation for my tardiness.
3. Once again, I reiterate I am not against development but feel information to date has not been accurate, and in some cases misleading, leading to public difficulties and confusion.
4. It is my sincere hope the Commissioners are able to halt this trend and ensure a more accurate and transparent discourse on the entire plans and development area the council intends to include in their development of this marvellous town.

AREA ONE – THE LYNCHBLOCK (Part A)

5. In my investigations I discovered the council was using a map as a definitive survey, despite a codicile which stated clearly by the surveyors *'The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries.'* (Disappointment 1) (Reference Attachment A and Attachment B)
6. I attended the offices of Clark Fortune McDonald and Associates in Shotover with my husband on Monday 12th January, 2015 and organised to pay for an independent survey of the Lynchblock's northern boundary.
7. The council after reading my Late Submission organised (so I was advised verbally by the Surveyors so appreciate this could be hearsay) their own belated survey of the Lynchblock northern boundary. This was not a concern as I was pleased to see they were finally producing relevant documentation, which I would have expected as one of the first things to establish when planning ANY developmental changes or growth.
8. I was unable to present my survey findings at the hearing on the 16th because it had not been completed.
9. On Saturday 17th, two people approached me and advised me it was nice the council were paying for my survey? This information they had received from Mr Speedy apparently.
10. On Monday I tried calling the surveyors and received no answer, I then later on sent an Email.

11. On Wednesday I received an Email advising me that the surveyor had found three pegs, placed a mark on same and sent me the findings. This was SPECIFICALLY what I was attempting to avoid, as my concern was with the legitimacy of the original surveying of this area. I attempted calling the offices but they were unattended. (Disappointment 2)
12. On Thursday I attended my legal council who advised me while they had not done what I had requested, until I received a bill, I was unable to do anything other than re-organise another survey. Until I received their bill, I would be unable to determine; was it a breach of confidentiality, if billed, was it a failure to produce the services for which payment was demanded, etc?
13. I managed to contact the surveyors Thursday afternoon and was informed by the person who took the call they had not (person ally) done the survey and couldn't comment, however accounts were only presented at month-end when I would no doubt receive my bill.
14. I do not wish to make the Commissioners wait until then so have sent this interim report for you to consider. If you wish to be advised of the outcome I am happy to forward these to you if so ordered.
15. I will address the legality of their actions with my legal council and appreciate that this is nothing to do with your hearings, however it is indicative of the difficulties the public are faced with trying to get valid information and timely responses to our enquiries.
(Disappointment 3).
16. As internet in Queenstown is rather problematic, I have been working at MC's in town. I have contacted the surveyors again, Friday 23rd January, to request a resending of their documents to forward for your attentaion as I failed to save mine properly. I am currently awaiting same but will pass these to you to verify the above with again apologies that they are not available at this time.
17. Essentially the information I received was the new survey seemed *reasonably* accurate?
18. The 'new' survey (basically a copy of the old indeterminate survey) continues to show the three properties I highlighted intially as all being in some part still outside the the survey lines for the Lynchblock. This of course asks the question, in 1963, under what grounds were they given permission to build on these locations.
19. Additionally, while the council may have 'lost' many historic documents, I have not found recovery to be too difficult, once you know where to look! I ask as part of my 'survey concerns to take note of Attachment C, the Certificate of Title Under Land Transfer Act for the Lynchblock. It shows clearly that a 'road' is positioned above the Lynchblock, while still showing the legal road previously discussed.

(a) If the 'road' shown is that being used as Antrim Street (independently of the legal road

registered) then the Lynchblock surveys showing Antrim Street below the northern border are clearly incorrect and, as I deem more likely, Antrim Street remains the northern border and all houses above it are NOT in the lynchblock.

- (b) I believe part of the problems have started with the division of Brunswick Street into two and since 2014, all surveys are using Thompson Street as the southern boundary.
- (c) Once again, conflicting information is at hand and it is very difficult for a layman to establish the truth, e.g.
 - I have been advised legal roads don't necessarily mean real roads, therefore although Antrim Street was shown in location A on the original Lynchblock plans, and maps show it now however, obviously I can't say houses above Antrim Street are not in the Lynchblock because the 'road' in use is actually lower.
 - I now find the title documents show that the 'road' in use is actually above the Lynchblock proper which supports my argument all houses built in the 1960s were above the Lynchblock and not in the rezoning area at all and should not be subject to evictions.
 - Attempts to have the Lynchblock surveyed have been stymied with the surveyors piggybacking on the council's earlier pegs and my attempts being discounted as the council is advising people they are paying for my survey.
- (d) My next option is to have the southern boundary surveyed and already my husband is groaning 'good luck with that one too'.

AREA TWO – THE LYNCHBLOCK (Part B)

- 20. With regard to the concerns I raised earlier, the acquisition of land under SO24298 (Attachment D) has been activated. See Section A, 735 square metres.
- 21. As mentioned at the time, this land is suspiciously appropriate if meant to cover ownership/management of lands previously not managed by council for the three properties above Antrim Street, 168 Antrim St, 165 Antrim St and 163 Antrim Street, which would not be necessary if their surveys were correct. If this wasn't actioned until 2008, it once again questions the actions of the council producing a lease agreement for my property from 2002 as justification my land was in the Lynchblock? Once again a legal question arising with regard to council based activities, which while not something requiring the Commissioner's attention, certainly helps to justify the public's concerns.
- 22. This 'humpback' area acquired, has never appeared on any map disclosed by the council?
- 23. The area cannot be found under a titles search because it is reserve land and has no title.
- 24. It was very difficult to find this land and I am concerned there are other such parcels the council is keeping quiet about until the rezoning is completed and then they will suddenly be

revealed with the public having no way to counter their use or the thumbprint they might leave on the landscape.

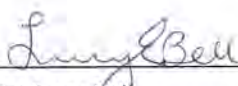
25. If the council refuses to acknowledge activation of this single area, (legal council advises me this would be extremely unlikely) then we are facing the same problem, houses built and charged land lease fees when not all of the land is in council managed real estate.
26. (Disappointment 4) It seems the council continually refuses to reveal all their plans making it very difficult for the public to determine the truth of the matter. If this area had been visible on the maps, I would have had no need to seek an independent survey as the later acquisition would have made (for the purposes of these discussions) moot. However, they appear to be doing their best to be as obstructionistic as possible and making the uncovering of facts an expensive and drawn out option for the public. We are not stupid, only extremely frustrated and I hope you will excuse my scepticism in believing there is a hidden agenda behind their actions which we will not discover until the rezoning is approved and it will all be too late.
27. SO 24298 (Attachment D- Area H) clearly decommissions Antrim Street as a legal road. This therefore begs the question, how is the new development area going to be accessed? While I will not be speaking, I recognise TRAFFIC is going to be discussed and as this means a serious restriction to accommodating transport into the new development area (Glasgow Street being un- acceptable for winter use), then access will be concentrated to the eastern side still, creating even greater traffic gridlocks. Is this going to be addressed?
28. PLANNING, URBAN DESIGN CONFERENCING is also going to be addressed by experts. Once again I will not be speaking, however I refer for your attention the visual offered to the Commissioners as a general Perspective of the photo montages representing possible scenarios for the Lakeview sites (Attachment E). With the inclusion of SO24298, this is an inaccurate perception of the probable final appearance of this area. This area encompasses a much higher thumbprint with the additional meterage elevated up to 3m at the BASE of this acquisition. The impact therefore if built upon will be much more dominant and should be taken into consideration now, before approvals are given. As SO24298 has to date NOT been offered as a genuine extension of the area the council intends to include in its Plan Change 50, I believe it needs to be introduced at this point for a true impact study to be undertaken, while recognising at this late stage I can only beg for the indulgence of the Commissioner regarding the value they put on this information.

Orders

29. I therefore respectfully submit the Commissioners when considering the above survey concerns:
 - (a) Demand the council reveals all of the areas they are including under the rezoning plans, and,

- (b) Reveal all the areas they intend to include in Plan Change 50.
- (c) Ensure all areas are properly surveyed and if at a later date discrepancies occur, they are duly considered inappropriate if not already transparent as part of Plan Change 50.
- (d) Continue to accept the possibility of late submissions from the public if relevant given the lack of transparency to date and the deliberate delaying tactics used by the council to date.
- (e) Delay approval for the Plan Change 50 until the Commissioners are satisfied all aspects of the plans are properly documented and validated, which once again extends to concerns regarding the Lynchblock and Motorpark rentees, *who are going to be evicted BASED on the Councils justification for the property requirements associated with Plan Change 50.*
- (f) A socio economic survey be done of those persons currently living and renting in the Lynchblock as the majority are low to middle income earners who cannot afford a rental increase, nor the cost of buying a vehicle to maintain their jobs if required to live a significant distance away from their jobs.

Finally, I wish personally to thank the Commissioners for their leniency in allowing me to present this survey information. I realise for professionals it is a trying matter dealing with the public who are often passionate and in matters often mislead, however I once again ascertain I have been as diligent as possible sourcing relevant documentation and am appreciative of the time my submissions have taken.



Mrs Lucy Bell
(Submitter)

Date: 25.1.15

Attachment A

(Blow up of Webmap council presenting as accurate survey information
This one however showing the disclaimer placed by the surveyors.)

A

Section ONLY of Original



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

Attachment B

(Webmap the council has been using for public as the definitive survey.

No disclaimer evident.)

This aerial map displays several land parcels along the Klamath River. The parcels are color-coded and labeled with their respective titles or identifiers. The labels include 'ROAD', 'OT48/502', 'OTB1/11277', '1844', 'OT46/92', 'No Title', 'CIR 454530', '220751', '220752', 'OT401/47', 'OT2C/644', and 'OT222/69'. The map shows the river's course and the distribution of these titled lands.

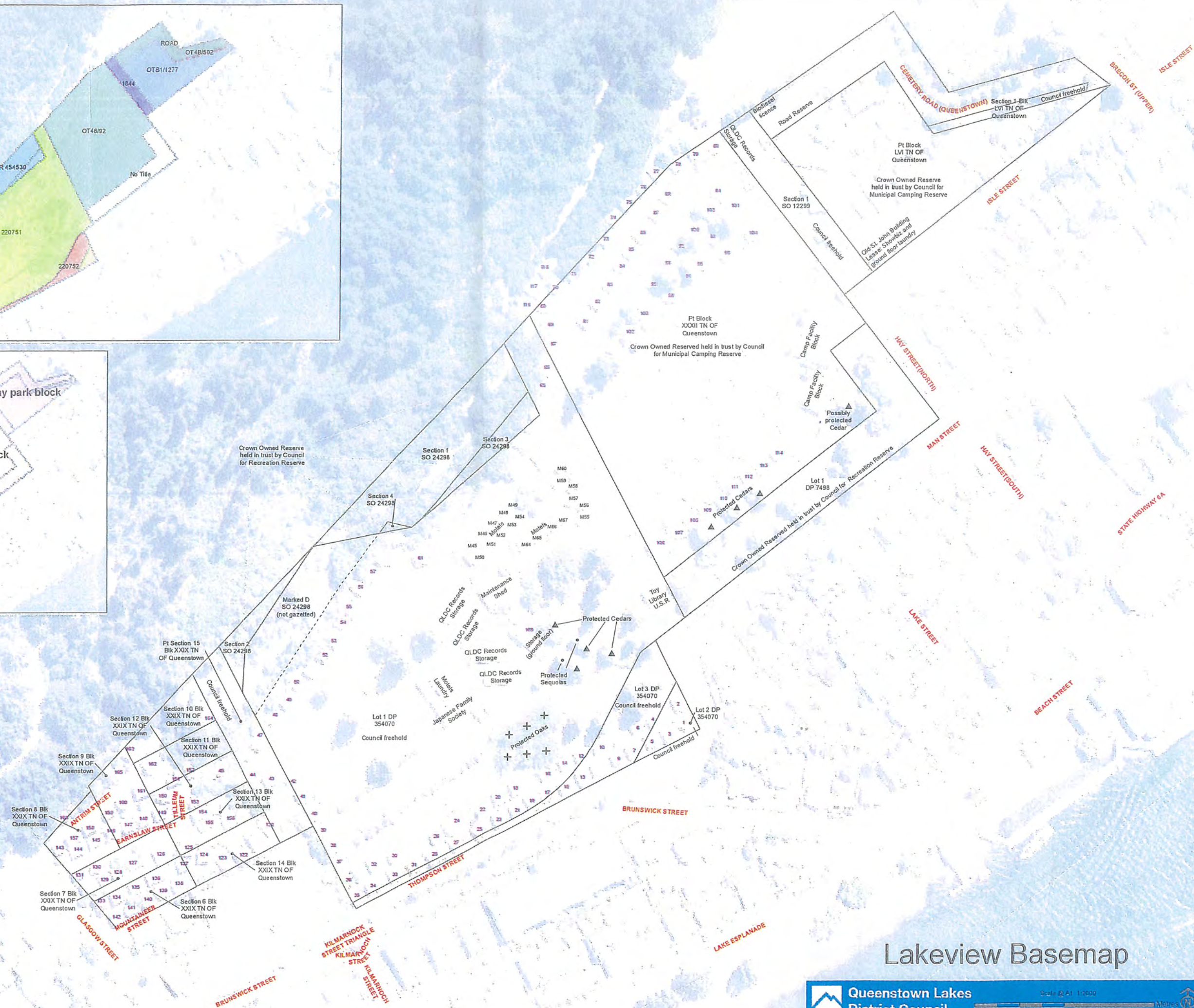
Area Key

Holiday park block

Reserve block

Freehold block

Lynch block



Attachment C

(Certificate of Title Under Land Transfer Act
Of the 'Lynchblock', 1965)

Identifier

OT2C/644

87/199

Land and Deeds 69

No. 2C/644

Transfer No. 294610
N/C. Order No.



REGISTER

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

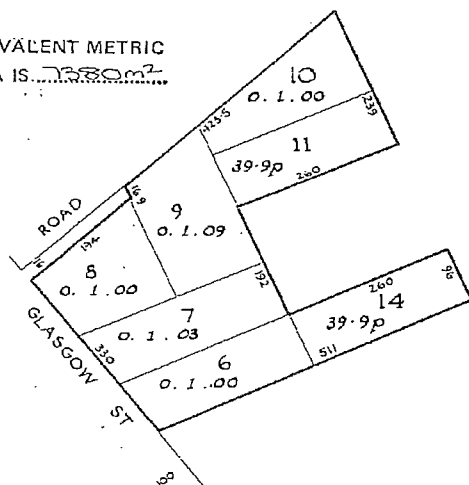
This Certificate dated the 8th day of December one thousand nine hundred and sixty five under the seal of the District Land Registrar of the Land Registration District of O T A G O

WITNESSETH that THE MAYOR COUNCILLORS AND CITIZENS of the Borough of Queenstown a body corporate under the Municipal Corporations Act 1954

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 1 acre 3 rods 11.8 perches more or less situate in the Borough of Queenstown being Sections 6, 7, 8, 9, 10, 11 and 14 Block XXIX TOWN OF QUEENSTOWN.



EQUIVALENT METRIC
AREA IS 7380m²



Total Area: 1.3.11.8
Scale: 1 inch = 2 chains
S.O. 12375, 14830

L.O. 12375, 14830 W

Register copy for L. & D. 69, 71, 72

No. 2C/644

Attachment D

(Approvals for SO24298 under Sec 5, Queenstown

Reserves, Vesting & Empowering Act, 1971,

Allocated 11.3.2008)

Attachment E

(Photomontages for the Queenstown Lakeview Development

Under Plan Change 50 – QLDC commissioned, October 2014)



Perspective 4 Lomond Cres -
current
Indicative View Conforming to Height
Limit Plan (inclusive of 2m roof bonus).

0.014

Queenstown Lakeview Development
Photomontages
October 2014

POPULOUS

fearonhay



*Perspective 4 Lomond Cres -
photo montage
Indicative View Conforming to Height
Limit Plan (inclusive of 2m roof bonus).*

0.015

*Queenstown Lakeside Development
Photomontages
October 2014*

POPULOUS

fearonhay