

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 Submissions by Adam
& Kirsten Zaki and Carl
& Lorraine Holt

AFFIDAVIT OF MICAELA JOY PENNINGTON

Sworn: 19 December 2014

Solicitor Acting: C P Thomsen

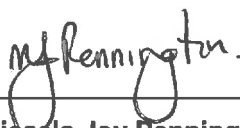
Webb Farry
Lawyers
79 Stuart Street
PO Box 5541
Dunedin

Telephone: (03) 477 1078
Facsimile: (03) 477 5754
Email: cthomsen@webbfarry.co.nz

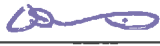
I, **MICAELA JOY PENNINGTON**, of Dunedin, Legal Secretary, swear:

1. My name is Micaela Joy Pennington and I am a legal secretary employed by Webb Farry Lawyers.
2. On 19 December 2014 Webb Farry received instructions confirming the contents of a letter dated 17 December 2014 drafted on instructions from Kirsten and Adam Zaki explaining the reasons they were not aware of the need to file submissions on Plan Change 50 to the Queenstown Lakes District Plan. Webb Farry received an electronic signature that we inserted on the bottom of the letter on instructions from the Zakis. Attached and marked MJP-1 is a true copy of that letter.
3. On 18 December 2014 Webb Farry received instructions confirming the contents of a letter dated 17 December 2014 drafted on instructions from Carl and Lorraine Holt explaining why they were not aware of the need to file submissions on Plan Change 50 to the Queenstown Lakes District Plan. Webb Farry received an electronic signature that we inserted on the bottom of the letter on instructions from the Holts. Attached and marked MJP-2 is a true copy of that letter.

SWORN at Dunedin
this 19th day of December 2014
before me:

) 
) **Micaela Joy Pennington**
)

Donna Kearns
Deputy Registrar
District/High Court
Dunedin


(Deputy) Registrar / Solicitor of the High Court of New Zealand

"MJP-1"

EXHIBIT NOTE

This is the annexure marked "MJP-1" referred to in the within affidavit of **MICAELA JOY PENNINGTON** and sworn at Dunedin this 19th day of December 2014 before me:

Donna Kearns
Deputy Registrar
District/High Court
Dunedin

Signature: 
A Solicitor/Registrar of The High Court of New Zealand
(Solicitor/Registrar to sign part on Exhibit)

17 December 2014

Webb Farry Lawyers
Dunedin

Dear Sir

re **PC 50 - LATE SUBMISSION**

We are writing this letter as evidence to accompany our application to file a late submission on Plan Change 50 to the Queenstown Lakes District Plan. This letter expands upon and confirms the instructions given to our Counsel on why we were not aware of the need to submit on Plan Change 50.

We live in Hong Kong and have a holiday home in Queenstown. We visit three or four times each year with our children. We were last in Queenstown in January this year.

We first heard about Plan Change 50 when our neighbours, Carl and Lorraine Holt, emailed us in mid-November alarmed at the implications of the Plan Change for our properties. Before that we knew nothing about Plan Change 50.

We have looked into why we did not receive notice of the Plan Change. Our apartment is managed by a company called Major Domo. It advises that on 8 August 2014 it emailed a letter from Queenstown Lakes District Council to us, a copy is attached to this letter. This letter was apparently delivered to properties in and around Queenstown. We cannot explain why, but the email was not received by either of us. At the time we were travelling in the United States, but that does not explain why we cannot locate the email in either of our inboxes. We understand Major Domo has had problems sending emails with attachments to us in the past, so this is possibly the reason, but we cannot be sure.

The August letter does not formally call for submissions and importantly does not include the Beach Street Block within the Plan Change. So even if we had received that letter, it is unlikely we would have taken any action because it did not appear to affect us.

We have been told that a second letter from Council was sent around a month later following consultation. That second letter called for submissions and included the Beach Street Block in the Plan Change. Major Domo tells us it has no record of receiving that letter or sending it to us. We have not seen it.

We understand that the letters were also sent to our property's rating address. The rating address for that property is our home address in Hong Kong. We confirm that no letters arrived from Council to our address in Hong Kong.

We received no formal notification of Plan Change 50 and did not learn of it until our neighbours became aware of the effect it would have on their and our property and contacted us. Once we learned of the Plan Change we took immediate steps to obtain professional advice and now want to be involved in the process.



Thank you for considering our Application.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'AZ', is written over a light, textured background.

Adam and Kirsten Zaki

Chris Thomsen

From: Lisa Hayden <lisa@majordomo.co.nz>
Sent: Tuesday, 16 December 2014 2:05 p.m.
To: Chris Thomsen
Cc: Kirsten Zaki
Subject: FW: Important letter from the council
Attachments: QLDC -Zaki 1.pdf; QLDC -Zaki 2.pdf; QLDC-Zaki 3.pdf; [Scan] QLDC -Zaki 4; [Scan] QLDC -Zaki 5

Categories: IDM

Hi Chris,

Please find attached the scans of the letter received in the Zaki's letter box which I emailed to them back in August.

From my records, I cannot find any further emails from me regarding QLDC and the proposed zone changes.

Warm regards,
Lisa Hayden



.....
Luxury accommodation :: Property management :: Inspirational experiences :: Lifestyle concierge
Lisa Hayden – Director Mobile +64 275 190 064 Ph +64 3 442 0502
www.majordomo.co.nz

—— Forwarded Message

From: Lisa Hayden <lisa@majordomo.co.nz>
Date: Fri, 08 Aug 2014 18:44:46 +1300
To: Kirsten Zaki <kirstenzaki@me.com>, Adam <adamzaki@me.com>
Cc: Fi Stevens <fiona@majordomo.co.nz>
Conversation: Important letter from the council
Subject: Important letter from the council

Hi Kirsten & Adam,

Please find attached the scan of a letter and information received from the council.

You may already be aware of the proposed zone changes in your immediate area but this letter affords you more information (albeit quite limited) and the ability to express your opinion, should you wish to, on the proposed changes.

I will forward you the links to any articles as they appear in the local newspapers as I expect the banter on this will hot up again now that the letter have been sent out.

Warm regards,

Lisa



.....
Luxury accommodation :: Property management :: Inspirational experiences :: Lifestyle concierge
Lisa Hayden – Director **Mobile** +64 275 190 064 **Ph** +64 3 442 0502
www.majordomo.co.nz

----- End of Forwarded Message

MP
OK

Private Bag 50072, Queenstown 9343, New Zealand
QUEENSTOWN 10 Gore Road, Phone +64 3 441 0499, Fax +64 3 450 2223
WANAKA 47 Ardmore Street, Phone +64 3 443 0024, Fax +64 3 450 2223



QUEENSTOWN
LAKES DISTRICT
COUNCIL

www.qldc.govt.nz

4 August 2014

To the Occupier
40b Man Street
Queenstown

Dear Sir/Madam

I am contacting you to make you aware that the Queenstown Lakes District Council proposes to change the operative Queenstown Lakes District Plan to rezone land currently zoned High Density Residential to Queenstown Town Centre zone. This does not involve any change to the status of the James Clouston Memorial Reserve.

As you occupy land adjacent to the sites that would be covered by the proposed plan change, we have identified that you have a direct interest in the proposal.

You will find information about the proposal in the enclosed fact sheet. We are not yet at the stage of seeking formal submissions on the proposal, but if you have any feedback you would like the Council to take into account as the Plan Change is developed, the Council would like to hear from you. You can do this in several ways:

- Go to www.qldc.govt.nz and click on the link to give your feedback on-line
- Fill in the enclosed feedback form, scan it and email to lakeviewplanchange@qldc.govt.nz
- Fill in the enclosed feedback form and mail it back to us postage free, using the freepost address provided.

The deadline for providing this preliminary feedback is **15 August 2014**.

Yours faithfully

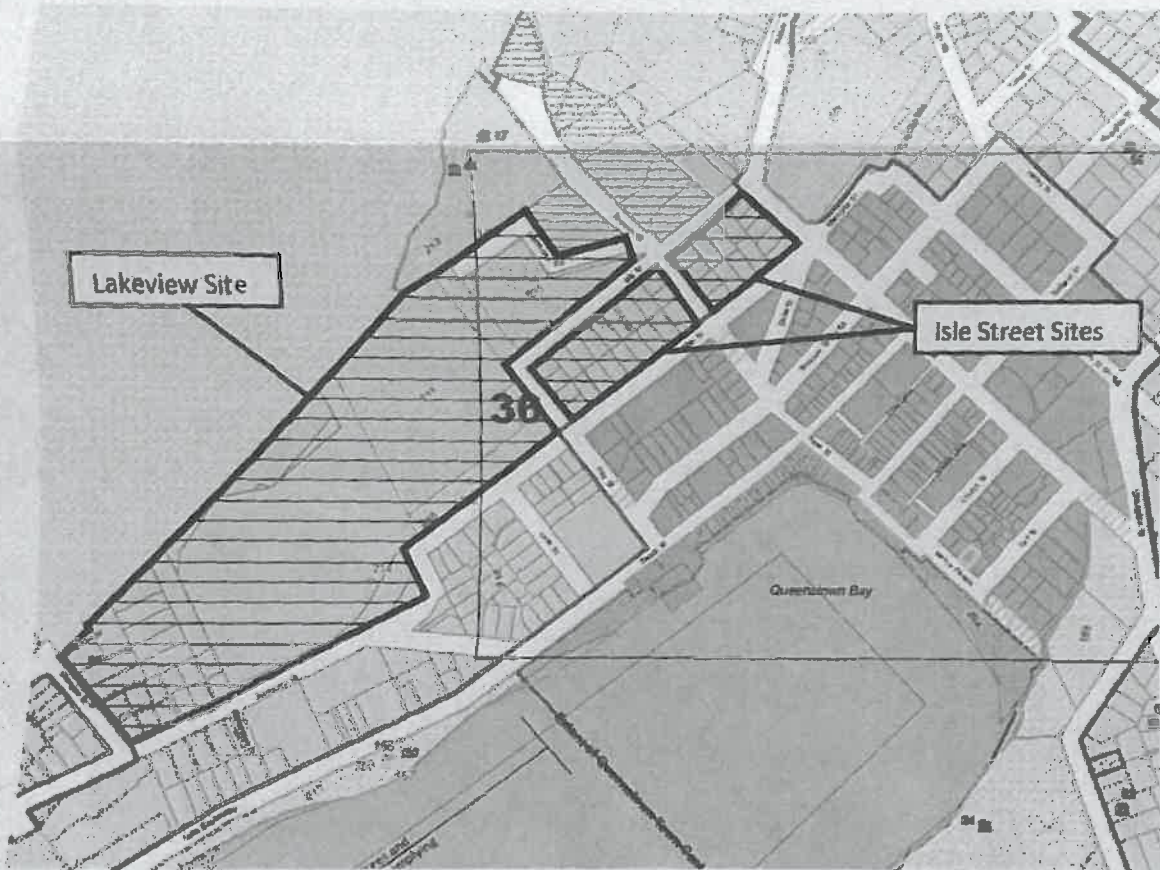
Paul Speedy
Manager, Strategic Projects & Support
Queenstown Lakes District Council

PROPOSED PLAN CHANGE - QUEENSTOWN TOWN CENTRE ZONE

INTRODUCTION

The Queenstown Lakes District Council proposes to change the operative Queenstown Lakes District Plan to rezone land currently zoned High Density Residential to Queenstown Town Centre zone. The purpose of the change is to address an identified shortage of land zoned as "Town Centre" and to provide an appropriate planning framework for a convention centre.

The sites that have been identified as appropriate for rezoning are shown on the plan below. They include the "Lakeview" site (which is predominantly Council owned) and additional privately owned land situated between the "Lakeview" site and the current Town Centre Zone:



Source Queenstown Lakes District Planning Map 35

As you occupy property adjacent to the sites that would be included in the proposed plan change, the Council wishes to consult you and give you an opportunity to provide feedback on this proposal early in the process.

WHAT DOES THE PROPOSED PLAN CHANGE MEAN?

The proposed plan change would enable a range of commercial, community and residential activities to be carried out at the sites identified. This is a change from the activities provided for under the current zoning, which enables residential activities and visitor accommodation activities (subject to controlled activity resource consent).

OK

BACKGROUND TO THE PLAN CHANGE

The "Lakeview" site in Queenstown is owned by the Queenstown Lakes District Council, aside from the western corner of the site which is in private ownership. The eastern end of the "Lakeview" site contains the Queenstown Holiday Park. It is intended that it will remain there via a designation, but not necessarily in exactly the same place, reflecting its level of public use. The remainder of this site is occupied by the Council and privately owned cabins used as rented/private accommodation. The cabins are old and most are of a very poor standard. The Council intends to have them removed when the licences to occupy the site expire on 30 September 2015. The remainder of this site is significantly under-used and contains several dilapidated buildings.

The "Lakeview" site is one of the Council's most strategically important assets in our long-term proposals to facilitate well-planned economic growth for Queenstown's CBD and the wider District, and the proposed Plan Change will facilitate this development. The construction of an international convention centre will be central to the proposed site development, subject to Council approval and obtaining a restricted discretionary resource consent. The convention centre would be an important catalyst for regeneration of Queenstown's CBD. In addition, an integrated commercial-mixed use development is planned for the remainder of the site. This could include visitor accommodation; high-density residential accommodation (to help address acknowledged housing affordability issues in the District); a retail and hospitality precinct and public recreation space.

In addition to rezoning the "Lakeview" site, the Council is considering rezoning three additional blocks of High Density Residential zoned land to Queenstown Town Centre zone (as per the plan above). Again, the proposed plan change will provide a specifically tailored planning framework to ensure appropriate development occurs at these sites.

WHAT DOES THE PROPOSED PLAN CHANGE INVOLVE?

Lakeview

For the "Lakeview" site, the proposed Plan Change involves rezoning the site to the Queenstown Town Centre zone. In order to provide for commercial and high density residential activities at the site, the Council proposes to include a sub-zone and a site-specific Structure Plan in the operative Queenstown Lakes District Plan. The Plan Change will include the insertion of a new objective, policies, rules and standards into the current Town Centre zone provisions, which will control future development on the site.

The Structure Plan for the "Lakeview" site will establish the broad layout for the site, determining where any future development would be expected to occur within it. The areas to be delineated in the Structure Plan will be based on the optimum location of future buildings, roads and open space to manage environmental effects of activities on the site and to maximise its efficient use.

Isle Street Sites

Two blocks immediately adjacent to the current zone boundary and situated between the Queenstown Town Centre Zone and the Commercial overlay area on Brecon Street have been identified as suitable for the expansion of the Queenstown Town Centre Zone. Activities envisaged for this area would see the continuation of visitor accommodation, small scale commercial / administration and retail activities and residential uses.

For these two blocks, a commercial mixed-use environment is sought for this area. In order to provide for this mixed use environment, we propose to include a new sub-zone in the District Plan. This sub-zone, to be called the *Isle Street sub-zone* will involve a new policy and new rules in the District Plan to

MF
OK

manage the scale of buildings, promote an interesting pedestrian environment and limit retail activities in order to avoid large format retail from establishing here.

General

While these initiatives involve rezoning land from High Density Residential to a Town Centre zoning, the proposed plan change will allow for greater development rights as well as providing for residential land use. Therefore potential residential development yield from the land will not be diminished, and may in fact be increased.

It is also proposed to include a definition for "Convention Centre" in the operative Queenstown Lakes District Plan which will provide a concise definition of this activity. This activity will require a resource consent as a restricted discretionary activity in the Queenstown Town Centre zone, and will be processed as a non-notified application.

Ancillary changes to the Transportation Chapter of the operative Queenstown Lakes District Plan are proposed to appropriately manage car parking activities.

HOW CAN YOU HAVE YOUR SAY?

Prior to the Plan Change request being lodged with the Council:

The Council is interested in hearing your views about the proposed Plan Change and would encourage you to complete and return the feedback form attached before 15 August 2014. This is intended to give the Council an idea of what you think of the proposed Plan Change, whether there are any specific issues you would like to be addressed and whether you are interested in being kept informed throughout the process.

For further information on this plan change, and to discuss with plan change with a Council representative please contact Paul Speedy on 03 441 0499 / e-mail: lakeviewplanchange@qldc.govt.nz

Once the Plan Change request has been lodged with the Council:

The plan change request will be publicly notified and members of the public will have the opportunity to make a submission. Notification is likely to occur in August/September 2014. Anyone who submits will have the opportunity to present their submission at a Council Hearing.

OK

PROPOSED PLAN CHANGE - QUEENTOWN TOWN CENTRE ZONE

FEEDBACK FORM

Please fill in your details and respond to the questions below and return by 15 August 2014 via the Freepost address overleaf or scan and email it to: lakeviewplanchange@qldc.govt.nz

Name:

Address:

Email:

1A. Do you agree with the proposal to extend the Queenstown Town Centre Zone?
YES / NO

1B. Please explain.

2. Do you have any further comments regarding the proposed plan change? (please detail these here)

3. Do you want to be on the mailing list to be kept informed of progress with this project?

YES / NO

Thank you for your feedback.

100
DC

EXHIBIT NOTE

This is the annexure marked "MJP-2" referred to in the within affidavit of **MICHAELA JOY PENNINGTON** and sworn at Dunedin this 19th day of December 2014 before me:

Donna Kearns

Deputy Registrar

District/High Court
Dunedin

Signature: 
Solicitor/Registrar of The High Court of New Zealand
(Solicitor/Registrar to sign part on Exhibit)

17 December 2014

Webb Farry Lawyers
Dunedin

Dear Sir

re **PC 50 - LATE SUBMISSION**

We are writing this letter as evidence to accompany our application to file a late submission on Plan Change 50 to the Queenstown Lakes District Plan. This letter expands upon and confirms the instructions given to our Counsel on why we were not aware of the need to submit on Plan Change 50.

We base ourselves in Palm Beach, New South Wales, Australia. We spend a lot of time travelling because we are able to work remotely. Our house in Queenstown is our holiday home, which we visit around three times per year and were last there in early September.

Because we are only in Queenstown from time to time we employ a property manager, Spectrum Solutions, to look after our property. Amongst other things, Spectrum is responsible for collecting any mail we receive. A letter from Queenstown Lakes District Council that had been delivered to the apartment was emailed to us by Spectrum on 6 August 2014, copy as received attached. A short while later we received an identical letter at home in Australia (which is the property's rating address). We did not pay a lot of attention to that letter because it did not include our land (or the Crowne Plaza land) in the Plan Change. It did not call for formal submissions on the Plan Change. We therefore put it out of our minds.

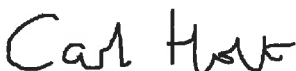
A second letter was sent by Council towards the end of August. This letter, on its face, appeared to be a duplicate of the first, but upon closer inspection I see now that it includes the Beach Street Block and our property within the Plan Change.

We were in Queenstown in the first week of September 2014 a short while after the second letter was delivered to the apartment. Spectrum had left the second letter for us on the kitchen counter. When we looked at the letter it appeared to be a duplicate of the one we had already seen. Carl put it in the kitchen drawer and then promptly forgot about it. By the time we came to think about it again it was the day we were leaving Queenstown, so Carl's quick review did not identify the changes and the fact that it our land was now affected by the Plan Change. We can no longer find this letter.

We are not planning experts. Part of our difficulty was probably because the letter was couched in, what seemed to us, obscure terms with no indication that the matters we are concerned about (e.g. height and noise) would be changed. If it had been clearer that this was not a duplicate letter and that these matters were being affected by the Plan Change, we would have immediately sought professional advice and submitted.

Therefore, we request that our late submission be accepted so we may be included in this process and our specific interests considered.

Yours faithfully



Carl and Lorraine Holt



4 August 2014

To the Occupier
40a Man Street
Queenstown

Dear Sir/Madam

I am contacting you to make you aware that the Queenstown Lakes District Council proposes to change the operative Queenstown Lakes District Plan to rezone land currently zoned High Density Residential to Queenstown Town Centre zone. This does not involve any change to the status of the James Clouston Memorial Reserve.

As you occupy land adjacent to the sites that would be covered by the proposed plan change, we have identified that you have a direct interest in the proposal.

You will find information about the proposal in the enclosed fact sheet. We are not yet at the stage of seeking formal submissions on the proposal, but if you have any feedback you would like the Council to take into account as the Plan Change is developed, the Council would like to hear from you. You can do this in several ways:

- Go to www.qldc.govt.nz and click on the link to give your feedback on-line
- Fill in the enclosed feedback form, scan it and email to lakeviewplanchange@qldc.govt.nz
- Fill in the enclosed feedback form and mail it back to us postage free, using the freepost address provided.

The deadline for providing this preliminary feedback is **15 August 2014**.

Yours faithfully



Paul Speedy
Manager, Strategic Projects & Support
Queenstown Lakes District Council

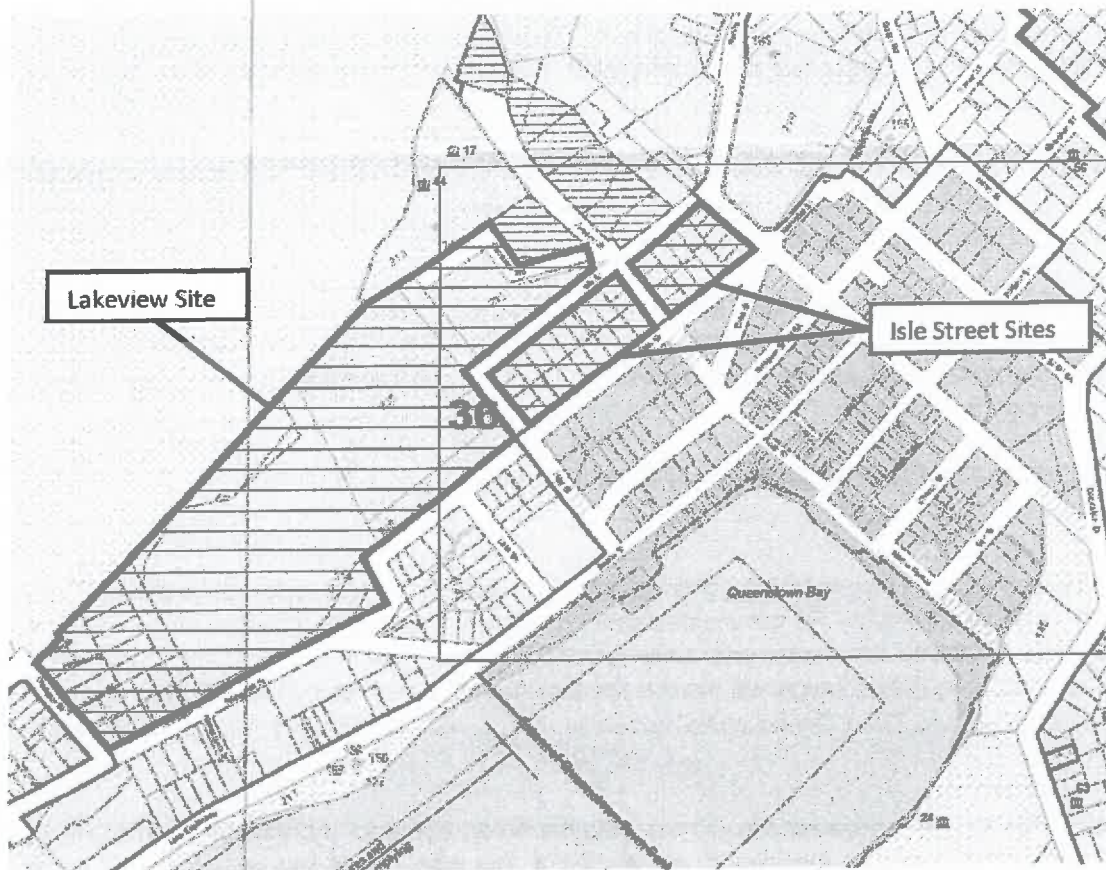


PROPOSED PLAN CHANGE - QUEENSTOWN TOWN CENTRE ZONE

INTRODUCTION

The Queenstown Lakes District Council proposes to change the operative Queenstown Lakes District Plan to rezone land currently zoned High Density Residential to Queenstown Town Centre zone. The purpose of the change is to address an identified shortage of land zoned as "Town Centre" and to provide an appropriate planning framework for a convention centre.

The sites that have been identified as appropriate for rezoning are shown on the plan below. They include the "Lakeview" site (which is predominantly Council owned) and additional privately owned land situated between the "Lakeview" site and the current Town Centre Zone:



Source Queenstown Lakes District Planning Map 35

As you occupy property adjacent to the sites that would be included in the proposed plan change, the Council wishes to consult you and give you an opportunity to provide feedback on this proposal early in the process.

WHAT DOES THE PROPOSED PLAN CHANGE MEAN?

The proposed plan change would enable a range of commercial, community and residential activities to be carried out at the sites identified. This is a change from the activities provided for under the current zoning, which enables residential activities and visitor accommodation activities (subject to controlled activity resource consent).

OK
MAP

manage the scale of buildings, promote an interesting pedestrian environment and limit retail activities in order to avoid large format retail from establishing here.

General

While these initiatives involve rezoning land from High Density Residential to a Town Centre zoning, the proposed plan change will allow for greater development rights as well as providing for residential land use. Therefore potential residential development yield from the land will not be diminished, and may in fact be increased.

It is also proposed to include a definition for "Convention Centre" in the operative Queenstown Lakes District Plan which will provide a concise definition of this activity. This activity will require a resource consent as a restricted discretionary activity in the Queenstown Town Centre zone, and will be processed as a non-notified application.

Ancillary changes to the Transportation Chapter of the operative Queenstown Lakes District Plan are proposed to appropriately manage car parking activities.

HOW CAN YOU HAVE YOUR SAY?

Prior to the Plan Change request being lodged with the Council:

The Council is interested in hearing your views about the proposed Plan Change and would encourage you to complete and return the feedback form attached before 15 August 2014. This is intended to give the Council an idea of what you think of the proposed Plan Change, whether there are any specific issues you would like to be addressed and whether you are interested in being kept informed throughout the process.

For further information on this plan change, and to discuss with plan change with a Council representative please contact Paul Speedy on 03 441 0499 / e-mail: lakeviewplanchange@gldc.govt.nz

Once the Plan Change request has been lodged with the Council:

The plan change request will be publicly notified and members of the public will have the opportunity to make a submission. Notification is likely to occur in August/September 2014. Anyone who submits will have the opportunity to present their submission at a Council Hearing.

OK


PROPOSED PLAN CHANGE - QUEENTOWN TOWN CENTRE ZONE

FEEDBACK FORM

Please fill in your details and respond to the questions below and return by 15 August 2014 via the Freepost address overleaf or scan and email it to: lakeviewplanchange@qldc.govt.nz

Name: _____

Address:**Email:**

1A. Do you agree with the proposal to extend the Queenstown Town Centre Zone?
YES / NO

1B. Please explain.

2. Do you have any further comments regarding the proposed plan change? (please detail these here)

3. Do you want to be on the mailing list to be kept informed of progress with this project?

YES / NO

Thank you for your feedback.

OK