

## Background:

Thank you for your time this morning, my name is Lucy Bell and I purchased my cabin, 165 Antrim Street, in 2012 from Hoamz Realty. I was informed it was leasehold and part of the 'Lynchblock' and the lease would be up for renewal in 2015. As I met my neighbours over time I believed from what they had shown me of their own properties and documents related to the Lynchblock, my property didn't appear to technically be in the historic Lynchblock, and nor I believe are two others, 168 Antrim Street and 163 Antrim Street, with a question mark over 162 Antrim Street.

My husband and I attended the QLDC offices and were informed all documents related to our crib were with APL. Attending APL they gave us a run down about the Lynchblock and told us that while the lease would be up for renewal in 2015, there was every likelihood that it would be extended. Over the last couple of years, I have tried to discuss my concerns that 165 Antrim Street is not in the Lynchblock but have been told I'm wrong. Until November 2014 however, it was not an issue.

I have been advised I have time limits today so I am going to amend my original presentation to a briefer one, but will still refer to my original documentation. I am aware this matter is all about the survey lines, so references to my cabin are merely due to what I have been told regarding its status and its relation to these survey lines to determine their accuracy.

(i) In a meeting on the **10th of December** at the Council offices on Gorge Road, 2014, (attended by Mr Paul Speedy, Ms Meaghan Millar, Doug Harrap and myself) Mr Speedy told Mr Doug Harrap and I that the map I present now is the definitive map, is accurate and it shows my crib in the Lynchblock. **(Attachment A)** I have an affidavit from Mr Harrap attesting to this. **(Attachment B).**

(ii) The sections, houses and the area designated for Antrim Street legal road are clearly visible, except the legal road appears to be in the trees and at the top of a very steep bank with a 2-3m minimum cut-out below it

(iii) The first thing I noticed was the entire Lynchblock appears to have moved north by approximately 10 meters and appears to have a slightly steeper angle on the northern border to that on the first survey of the Lynchblock I had previously studied. **(Attachment C)** Before I put my first question to the council, I would like to take a little time to establish whether everyone is agreed upon what I consider are the facts to make it easier rather than presume on common understandings.

## Assumptions

- (a) The Lynchblock is a specific area which, at the time of its establishment was bordered by Common Reserve Land to the North, Glasgow Street to the West, Boundary Road to the South and Kilmarnock Street to the East. Everyone has seen the first demarcation but I will present another copy again anyway. (**Attachment D**) This area I believe is now incorporated into the council's new Lakeview Site.
- (b) The New Zealand Heritage Properties Ltd document commissioned by the QLDC on the 6th of June 2014 and titled '*Queenstown Lakes District Council Lakeview Rezoning*' is a reasonably thorough record of the Lynchblock and surrounding areas. Rather than kill off more trees, I was relatively confident most people have seen or read this document but have referenced attachments when necessary as it is readily available online. (**Show document** as a reminder to people who may be attending the hearing.)
- (c) All land acquisitions have a specific process required to be undertaken, which varies depending upon the nature of the land and its purpose.

If this is OK, I would like to continue.

1. Referencing the data presented in the '*Queenstown Lakes District Council Lakeview Rezoning*' document, we have to accept at no time were these original 14 blocks altered in their appearance or size. There was certainly a change of ownership and purpose but essentially, the Lynchblock so named, remained in the same location, with the same area of land as noted by New Zealand Heritage Properties Ltd in 2014. As clearly shown in the first surveyed map of the Lynchblock, (referenced on Page 39 and previously shown as **Attachment C**), Antrim Street is clearly visible as an area inset into Section 8, not extending above, which is an important part of my boundary concerns, AND, there is a straight line from the bottom of Lomond Crescent to the bottom line allocated to Antrim Street, more clearly visible on this map.
2. This document for the Council also clearly sets out the ownership and transfer of leases for these sections and for the purpose of these survey lines, I am only going to reference sections 8,9,10 and 11. Along with other sections, 8, 9 and 11 were owned by while section 10 was owned by party B.
3. Despite my husband and I trying to secure documentation about our property, nothing at all is available through the council website, or the council

itself. APL have forwarded no information, until the 15th of December, AFTER the closeoff date for submission, admitting they only had two relevant documents related to my crib. One they believed to be the original letter advising a Mr DK Mackie in February 1963 he had won the ballot for site 153, and a lease for the Lynchpark Motorpark from 2002. (Attachment E) That's all.

4. My first question to the council therefore is this.

5. 'IF the map Mr Speedy presented to Mr Harrap and I is now the definitive survey map, why is it that there are three properties ABOVE Antrim Street, all with questionable boundaries, and another of similar ilk. Of those properties if his survey is correct, why would the council allow 168 to be built in the middle of the legal road, why is 165 Antrim Street 2/3rds in section 9 and 1/3rd still in the serve lands, why is 162 Antrim Street owned by two separate landlords as section 10 and section 11 were not owned by the same people, and even more surprisingly, why is 163 1/5th in section 9 owned by party A, 2/5ths in section 10 owned by party B and 2/5ths still in reserve, basically divided between three separate areas?'

6. My second question is why is my property listed as Lynchblock, Motorpark, when all other properties below Antrim Street are only listed as Lynchblock?

7. My third question is why didn't Mr Speedy divulge accurately in his report from 24 December that there are two properties who had leases in perpetuity, not only 162 who they are currently negotiating to purchase, but also 163, which they secured three years ago I believe. Both of these are my immediate and adjacent neighbours. Can the council now confirm whether these properties also have new leases referencing the Motorpark, not just the Lynchblock as I did try finding out myself details about these other three houses but have been informed that unfortunately APL and the council have lost relevant documents related to the history of 163 and 168 Antrim Street as well, which I consider interesting as the former one they bought recently?

8. I believe it is more than likely that all the properties above Antrim Street are of a similar status. Indeed, if you overlay a block over the area where I believe the original Lynchblock is based on the original documents, you will see all of the three properties above Antrim Street are indeed outside the Lynchblock, which makes sense. Already two of the four properties have been established as lease in perpetuity and if the missing documents can be found, I believe that this would support my argument that this is because they are not part of the Lynchblock and under different lease agreements.

9. I accept at this point if different land acquisitions had been undertaken, then the council may still be able to claim management of the properties, something that will be argued in the High Court, but this would mean that the survey lines Mr Speedy has stated as being those of the Lynchblock are incorrect. Understanding the council is able to acquire additional land under the rules set out in the Queenstown Reserves, Vesting and Empowering Act, 1971, I conducted a search under this act which proved very frustrating as all documents related to this act were unavailable. I gave up when I reached 1991. (Attachment F)

10. With legal advice it was recommended I search through land titles, which must be provided for all properties. I was unable to find any reference to any of the three properties above Antrim Street. I then went through the QLDC Land Information Request site searching under 163 Antrim Street, as I knew it was recently purchased, but they could find nothing under the Section information given by council. (Attachment G) I have however attached the current document they have detailing section details. Once again, Antrim Street is clearly defined in relationship to Glasgow.

11. Tracing backwards and studying Mr Speedy's data forwarded on 24 December 2014, the Minutes he presented under Appendix D, refer to the Queenstown Borough Council Minute Books from 1961-1965 where only 'general' business is referenced. My letter of purchase (previously referenced **Attachment E**) shows a ballot for land took place during this time, (1962-63) and surely if it was part of section 9, this would be referenced as it is not a 'normal' day to day activity. Under a different and perhaps more definitive historic reference however, 'Statistics New Zealand - New Zealand Official Year Book, 1963', it references under 'Leases and Licences Freeholded' that under the Land Act 1948, many Crown Lessees have freeholded their leases with a significant rise in the period 1960-1962 due to an increase in population and demand. One of the normal ways was to offer such land for purchase was 'if necessary a ballot'....with 'any urban or commercial or industrial land'. (This document is 3,800+ pages so I have not printed it off but it is readily available on site.)

12. I searched back through the Council's very thorough commissioned Heritage document and likewise there was no mention made of any ballots for sections 8, 9 or 10, the top sections to the Lynchblock.

13. A search under land acquisitions however, found one survey in 1995 for acquisition of land above Antrim Street and vesting a parcel of land for 'Camping Ground' purposes? (SO24298) (**Attachment H**) It has a particular

humpback shape which is not apparent on the 'flat line' Mr Speedy is presenting. I have however been unable to find any other acquisitions to change this outline and make it in any way resemble the 'flat line' survey lines Mr Speedy has presented as definitive. I also note this document is NOT listed on the current Land titles map. If the Lynchblock is only inclusive of the land below Antrim Street as I have been stating, then this land acquisition SO24298, a requirement of the Queenstown Vesting and Empowering Act of 1971 is strangely appropriate if the council was attempting to incorporate the land the houses 168, 165 and 163 Antrim Street are built on?

14. My fourth question therefore is (a) what happened to this land acquisition and why is it not visible on the surveyed map?

15. My legal council informed me that the surveyors of this map are still operating in Queenstown and I undertook the time to go out and visit them. When I produced my section of the 'definitive' map, they produced the entire aerial view, which notes on the bottom a disclaimer stating, *'This 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.'*

16. My fifth question therefore is how does the council justify informing the public that this map is indeed correct, and have Mr Speedy use it as a means to discount concerns raised by the public, (as he did on 10 December to Doug Harrap and myself as confirmed previously in **Attachment B**) particularly regarding serious issues related to a major development of Queenstown and individuals facing evictions as a result of the position of their property on what we now know is purely an 'approximate representative' map?

17. While I have already admitted it has been extremely hard for the public to access any information regarding properties under the rezoning areas designed for Plan Change 50, obvious errors continue with regard to 'evidence' presented by the council which do have a bearing on consideration of areas currently under management based upon specific Sections as designated by the council.

18. Information placed by Mr Speedy on 24 December 2014, stated the QLDC since the 2002 agreement have entered into License to occupy agreements with all the cabins in the Lynch Block, with the exception of the McPhail cabin which is lease in perpetuity.' This is not actually true as he has omitted cabin 163 Antrim Street, a property the council bought after 2002 as it held a lease in perpetuity. I bring this point up not just because it represents another incorrect projection I believe of the council's actual position, but also

this shows that of the four properties I mentioned previously which I believe may not be in the Lynchblock, two of the four have indeed have leases uncharacteristic of the Lynchblock being 'in perpetuity'.

19. My sixth question therefore is, given 50% of the properties I have expressed doubts regarding their position within the Lynchblock have proven to be lease aberrations when compared to the Lynchblock and the Motorpark properties, and the council has admitted they have lost all the original lease documents for these properties, how do they justify given the lack of validity with their current 'definitive' survey that the remaining 50% ARE part of the Lynchblock?

20. In closing, I request at this time the council investigates the actual status of the remaining two properties outside the Lynchblock to determine (a) whether they have rights of management, but more importantly, (b) the legitimacy of them acquiring the land in 1995 when three properties were already established on the same land? If 163 Antrim and 162 Antrim are both lease in perpetuity, then there is a serious case to support that the only other two properties in this strip of land hold a similar status. in which case it would be important to determine the legality of the council acquiring these cribs for management, as well as charging lease fees for land still part of the Communal Reserve Land.

21. I believe the historic northern boundary of the Lynch Block remains as it was drawn and continued to be drawn up until 2014; with Antrim Street (the roadway) representing the northern border as this would support the council's minutes that (a) nothing significant happened during the period 1960-1965, (b) the houses were all (bar one) under a License to Occupy Agreement, (c) it would support historic data regarding ownership and activities related to the Summary of the Certificate of Titles and owners for Lynch Block as listed under the Heritage documents commissioned by the council, (d) follows the survey lines which have been in place until 2014 and (e) justifies the need to incorporate additional land, now used as carparking for the properties on Antrim Street and the three cabins in existence above Antrim Street, by applying officially for the land under the District Land Registrar survey map SO24298, albeit after the fact, of Queenstown Reserves, Vesting and Empowerment Act, 1971.

22. I would therefore request the Commission considers so ordering;

- (a) A proper survey of the historic Lynchblock, and perhaps installing permanent pegs or cornerstones so this situation does not arise again.
- (b) Stop any development plans until a proper survey has been done of all the zones the council is requesting be rezoned as if there are this many questions based on one line, given time there are possibly many more concerns waiting to be raised.
- (c) Stop any evictions where based upon the council's survey of properties listed within the Lynchblock or areas under council management until such areas are properly surveyed and all properties have reputable leasehold references and documentation in place to verify their management, or lack thereof.
- (d) The ownership, management and status of the three properties above Antrim Street are determined by appropriate authorities before the council is allowed to action any planning programs or eviction notices based upon their current lack of relevant data to enforce the same.
- (e) If a new survey determines 168, 165 or 163 Antrim Street are outside the boundaries for the Lynchblock, then unless the council is able to find relevant documentation that these properties can be legally retained as council property, they should be released from council management.
- (f) An investigation is undertaken regarding the significant number of 'lost' historic documents in the hope they may be recovered at an alternate storage facility.

Mrs Lucy Bell .....  
(Submitter)

Date: .....