

Statement of Evidence for the Stage 2 District Plan Hearings

Inga Smith

Introduction

1. My name is Inga Jane Smith. I am a former resident of Richards Park Lane, Fernhill, Queenstown. I do not currently own any property in the region covered by the draft District Plan. No legal entities associated with me or my family currently own property in the region covered by the draft District Plan. My submission is made on my own behalf, as someone concerned about what could happen to Fernhill and the wider Queenstown Lakes District in the future if a robust and sensible District Plan is not in place. I am not an expert witness.

Scope of Evidence

2. As part of the Stage 2 hearing process, submitters wishing to be heard have been asked to submit evidence in advance of the hearing, even if the evidence is not expert evidence. I requested to be heard, and I have therefore prepared this written statement. This written statement is not expert evidence. This written statement relates to the Queenstown Lakes District Council Proposed District Plan Stage 2 Map 34 Fernhill and Sunshine Bay^[1] and covers:
 - (i) Submission and outcome sought;
 - (ii) Details of the location ;
 - (iii) Context of the submission and evidence;
 - (iv) Reasons to decline the extension of VASZ sought by Coherent Hotel Limited^[2] and recommended in the Section 42A report by Rosalind Devlin dated 23 July 2018^[3].

References are given as numbers in [square brackets], with full reference details at the end of this document rather than as footnotes, due to the need to repeat references to other documents.

Submission and outcome sought

3. My submission was brief, as I was supportive of the Proposed District Plan Stage 2 Map 34 Fernhill and Sunshine Bay^[1] for Richards Park Lane and nearby streets. I sought to be heard to be able to provide context and location details to the hearing, and also in case any changes to Map 34 were suggested by other submitters (which has turned out to be the case^[2]). My submission (with references added here) and outcome sought was as follows:

Stage 2 Planning Maps: Stage 2 Map 34 - Fernhill and Sunshine Bay^[1]: Support

My Submission is: As a former resident of Richards Park Lane, Fernhill, Queenstown, I strongly support the Visitor Accommodation Sub-Zone boundaries indicated on Stage 2 Map 34 - Fernhill and Sunshine Bay^[1] with respect to Richards Park Lane. No properties with Richards Park Lane addresses lie within the proposed Visitor Accommodation Sub-Zone. This is consistent with the character of the street, which provides vital housing for families and young workers within easy walking and biking distance of town and close to a regular bus route.

I seek the following: I strongly support the Visitor Accommodation Sub-Zone boundaries indicated on Stage 2 Map 34 Fernhill and Sunshine Bay^[1] with respect to Richards Park Lane and seek confirmation of the boundaries in the final District Plan. Any attempts to extend the Visitor Accommodation Sub-Zone into Richards Park Lane and nearby streets should be rejected.

Details of the location

4. Richards Park Lane is a narrow, predominantly residential street. Mr Reg Richards, a builder and property developer, subdivided the street and built the original hotel (called Country Lodge, now Aspen Hotel) in the late 1960s, with provision for a small corner local shopping complex opposite the hotel land on the southern corner of Richards Park Lane and Fernhill Road. Mr Richards originally owned, built and lived in the house at 12 Richards Park Lane, and put in place a limited-time (I believe twenty year) covenant for the owner of 12 Richards Park Lane to approve any house designs to be built on the Richards Park Lane, ostensibly to make sure that quality houses were built on the street. Richards Park Lane was originally an unsealed cul-de-sac, but the road was sealed and then connected through when Aspen Grove and surrounding streets were subdivided in the 1990s. Richards Park Lane now forms a loop connection with Fernhill Road, via Aspen Grove and Sainsbury Road (see Figure 1), but its narrowness means it is not suitable for heavy vehicle traffic. It is likely that the very large Visitor Accommodation Sub-Zone already in place below Aspen Grove and nearby areas dates from the time when Mr Richards developed Country Lodge, but I do not know how to access council archives to confirm this. Similarly, another house built by Mr Richards sits at 10 Richards Park Lane (see Figure 2). The boundaries between 10 Richards Park Lane and Aspen Hotel are: (i) one end of the loop-driveway to the hotel, and (ii) a steep-sided gully with a creek flowing through it. 12 Richards Park Lane also shares the steep-sided gully with a creek flowing through it as a boundary with the Aspen Hotel. The gully and creek form a

natural and distinct boundary between the residential houses and the hotel. Tree and shrub plantings previously in place along the edge of the gully provided an additional natural buffer against adverse effects and sensitivities between the hotel and the residential area (e.g., noise, visual, and smell effects). I understand that Coherent Hotels removed these plantings after purchasing Aspen Hotel (see Figures 3 and 4). 14 Richards Park Lane is another house that was built by Mr Richards, and was architecturally designed by Mr Bob Turvey of Oamaru for the owners. 16 Richards Park Lane is currently an empty section, as is 20 Aspen Grove, which shares a boundary with 14 and 16 Richards Park Lane . Country Lodge originally had a park-like garden in undulating lawn and exotic trees (such as a plum tree near the hotel entrance, and fir trees diagonally opposite) on all of the land bounded by Fernhill Road, Richards Park Lane, and the loop driveway to the hotel. That land is now occupied by 1980s construction two-storey accommodation units and an asphalted carpark. The small corner local shopping centre was built in the late 1980s. As intended by the original developer, Richards Park Lane is still a quiet, predominantly residential street. Most of the residents work in Queenstown or from/at home, and there is a mix of families, younger workers, and more established professionals. Transport links have significantly improved since the original subdivision, so that there are now multiple easy options for commuting to the CBD and beyond, including; a regular bus service; sealed walking and biking access via Fernhill Road; scenic unsealed walking and mountain biking tracks accessed via Cameron Place (including a separated single-track mountain bike route) or Whitbourn Place (see Figure 1). Walking to or from the CBD takes approximately 20-30 minutes, and biking 5-10 minutes, depending on the level of fitness and route taken.

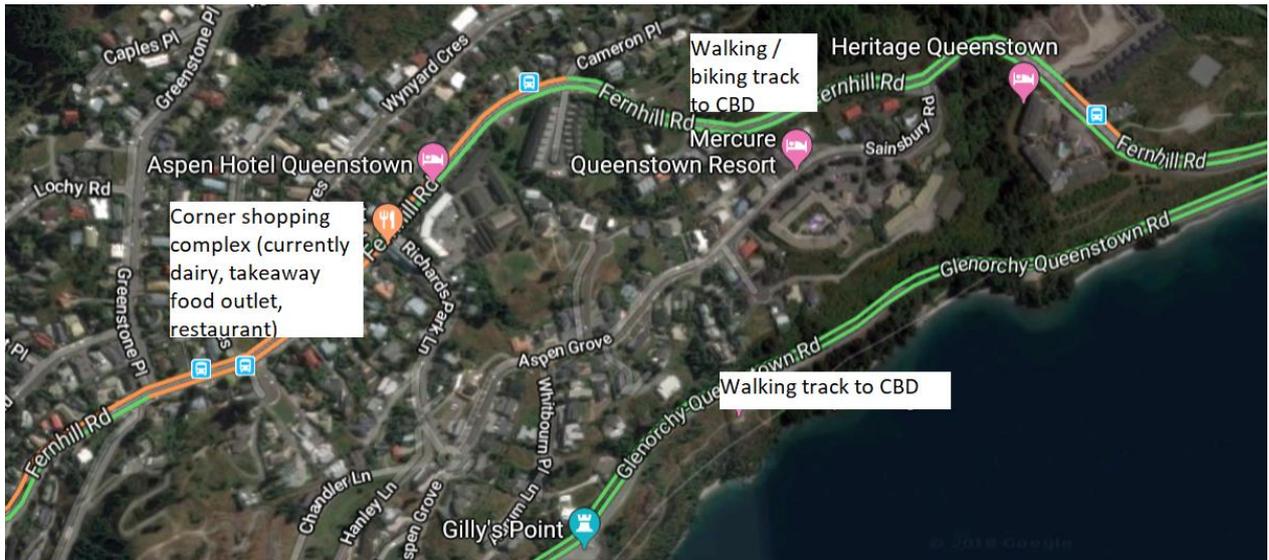


Figure 1: Richards Park Lane and surrounding areas in Fernhill. The white labels for walking/biking and walking tracks to town indicate unsealed routes for pedestrian and mountain biker access to town from Richards Park Lane via Cameron Place or Whitbourn Place. The corner shopping complex, presently containing a dairy, takeaway food outlet and small restaurant are also marked with a white box. Google pink accommodation markers denote the hotels in the Fernhill area, including the Aspen Hotel. Google blue boxes denote bus stops for the regular buses that serve the area. [Image downloaded and modified from: <https://www.google.com/maps/@-45.039846,168.6339284,1028m/data=!3m1!1e3!5m1!1e1>, accessed 8 August 2018]



Figure 2: View from Wynyard Crescent showing Richards Park Lane and surrounding areas in Fernhill. The approximate locations of the Aspen Hotel, shops (corner shopping complex, presently containing a dairy, takeaway food outlet and small restaurant) and houses at 10 and 12 Richards Park Lane are indicated. [Photograph taken January 2018 by Inga Smith.]



Figure 3: View from 14 Richards Park Lane showing the land below the Aspen Hotel restaurant. [Photograph taken January 2018 by Inga Smith.]



Figure 4: Zoomed in view from 14 Richards Park Lane showing the land below the Aspen Hotel restaurant. Debris can be seen where plantings have been removed at the top of the steep-walled gully by the hotel owners within the last two years. [Photograph taken January 2018 by Inga Smith.]

Context of the submission and evidence

5. As stated in section 3 above, my submission stated that I strongly support the Visitor Accommodation Sub-Zone boundaries indicated on Stage 2 Map 34 Fernhill and Sunshine Bay^[1] with respect to Richards Park Lane and I seek confirmation of the boundaries in the final District Plan. I further stated that any attempts to extend the Visitor Accommodation Sub-Zone into Richards Park Lane and nearby streets should be rejected. A submitter, Coherent Hotel Limited (submitter 2524) put in submission^[2] that seeks an extension of the VASZ to include 10, 12, 14, and 16 Richards Park Lane and also 20 Aspen Grove (Aspen Grove is a nearby street to Richards Park Lane: see Figure 1).
6. Reddy Group Limited, which previously owned Aspen Hotel and 10, 12 and 16 (but not 14) Richards Park Lane and 20 Aspen Grove, lodged a similar request for a VASZ extension, along with a MDRZ rezoning, at Stage 1 for all these properties including the one that they did not own^[4]. In that submission, 14 Richards Park Lane was described as “contiguous with land owned by Reddy Group”. Ms Devlin’s Section 42A report for Stage 1 stated “I consider that extending the Medium Density Residential zone to encompass all of the land subject to the submission is logical and will enable efficient use of the land”^[8]. From that wording, it is not clear that Ms Devlin realised that 14 Richards Park Lane was not owned by the submitter. The owner of 14 Richards Park Lane at the time (a trust), despite being an affected party, was apparently not notified by the QLDC of the 2015 submission by Reddy Group Limited nor was the owner notified of Ms Devlin’s recommendation (dated 24 May 2017) that 14 Richards Park Lane be rezoned MDR. Coherent Hotels subsequently bought the properties from Reddy Group and put in evidence to Stream 13 hearings^[5,6] again describing 14 Richards Park Lane as a “contiguous” property. Prior to the Stage 1 hearing for Stream 13, Coherent Hotels bought 14 Richards Park Lane through approaches by Mr Brabant (the lawyer acting for Coherent Hotels in Stream 13) to the lawyer representing the property owner. The QV website indicates a sale date of 28 August 2017^[7], however settlement date was 31 January 2018. The house at 14 Richards Park Lane was owner-occupied or rented to friends and family of the original owners and subsequent trust until early 2002, and from 2002 to October 2017 it was rented to tenants working locally. From October 2017 to January 2018, it was used as a holiday house by beneficiaries of the trust that owned the property, with continuous occupancy in December and January 2018. MDRZ was approved as part of Stage 1, but VASZ was moved to the Stage 2 process that this submission

addresses. In her original section 42A report for Stage 1^[8], Ms Devlin recommended “Reject Visitor Accommodation Sub-Zone”. However, in her new section 42A report for Stage 2^[3], Ms Devlin recommended “the VASZ be extended over 10, 12, 14 and 16 Richards Park Lane and 20 Aspen Grove, with a Building Restriction Area of 4.5m width along the southern extent of the VASZ adjoining 18 Richards Park Lane and 22 Aspen Grove.” Even though I have read her section 42A reports several times on this point, I do not understand why Ms Devlin has changed her position on the VASZ extension.

7. The house and land at 10 Richards Park Lane had residential owners until it was bought by Tanoa Aspen Hotel (now Aspen Hotel, owned by Coherent Hotel) in 2004.
The house and land at 12 Richards Park Lane was sold by Mr Richards in the late 1970s, and passed through a series of residential owners until being bought by Tanoa Aspen Hotel (now Aspen Hotel, owned by Coherent Hotel) in 2004.
The land at 16 Richards Park Lane had changed hands several times before being bought by Tanoa Aspen Hotel (now Aspen Hotel, owned by Coherent Hotel) in 2006.
I understand from talking to Richards Park Lane residents in late 2017 that the houses at 10 and 12 Richards Park Lane have not been rented out or occupied recently, with 12 Richards Park Lane being unoccupied for approximately 2 years. Since passing out of residential ownership, the houses at 10 and 12 Richards Park Lane have become increasingly rundown (see Figures 5, 6, and 7).



Figure 5: View of the front of 12 Richards Park Lane, photograph taken from the street. An old mattress, LPG cylinder, and printer can be seen sitting in the carport and ramp. I understand that these items and other waste/rubbish that litter the section below the house had been there for at least two years and were left by previous tenants when the owners (Aspen Hotel) ceased to rent out the house. [Photograph taken January 2018 by Inga Smith.]



Figure 6: View of the back door to 12 Richards Park Lane, photograph taken from 14 Richards Park Lane. The window to the door has been broken at some stage and patched with a plastic rubbish bag. I understand that this has been the state of this window since before the last tenants of 12 Richards Park Lane moved out. [Photograph taken January 2018 by Inga Smith.]



Figure 7: View of the roof of 12 Richards Park Lane, photograph taken from 14 Richards Park Lane. Significant rust is visible on the long-run roofing, indicating that the roof has not been maintained for some time [Photograph taken January 2018 by Inga Smith.]

Reasons to decline the extension of VASZ sought by Coherent Hotels^[2] and recommended in the Section 42A report by Rosalind Devlin dated 23 July 2018^[3].

8. As stated in my submission, Richards Park Lane provides vital housing for families and young workers within easy walking and biking distance of town and close to a regular bus route. It is not appropriate to extend the Visitor Accommodation Sub-Zone boundaries into Richards Park Lane and nearby streets. To extend this zone sets a dangerous precedent for hotels to acquire cheaper residential properties, allow them to become run-down and unoccupied, and then apply for rezoning to get them to be zoned Visitor Accommodation. Fernhill already has a large VASZ. The hotel, under both its previous and current owners, could have acquired properties that were already zoned for Visitor Accommodation, for example those on Matakauri Place and Manata Lane. Instead, they targeted cheaper houses and land in Richards Park Lane. They then neglected to maintain these to the same standards as other houses and land in the street. Extending the VASZ will clearly lead to a loss of housing supply if the VASZ extension is granted because Coherent Hotels states in their submission that they intend to develop the properties on Richards Park Lane and Aspen Grove “as an extension to the Aspen Hotel”^[2]. I therefore seek that the Visitor Accommodation Sub-Zone boundaries indicated on Stage 2 Map 34 Fernhill and Sunshine Bay with respect to Richards Park Lane are accepted as notified for the Draft District Plan in the final District Plan, and that the panel therefore recommends declining the extension of the VASZ sought by Coherent Hotel Limited.

References

- [¹] Queenstown Lakes District Council. 2017. Proposed District Plan, Stage 2, Map 34 Fernhill and Sunshine Bay. Downloaded from:
<https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Maps-Stage-2/Stage-2-Map-34-Fernhill-and-Sunshine-Bay.pdf> [last accessed 8 August 2018].
- [²] Coherent Hotel Limited (submitter 2524 to Stage 2: submission prepared by Hannah Miln of Harrison Grierson Consultants Limited). 2018. Submission on a Publicly Notified Proposed Policy Statement of Plan Under Clause 6 of the First Schedule to the Resource Management Act 1991. Downloaded from: 10_1831HLF00R_PDP%20Stage%20%20Submission%20-%20Coherent%20Hotel%20Limited.pdf, dated 23 February 2018.
- [³] Devlin, Rosalind. 2018. Section 42A Report of Rosalind Devlin on Behalf of Queenstown Lakes District Council: Visitor Accommodation Sub Zones – Mapping. Downloaded from: recommendations_stage_2_submissions_qldc_draft_district_plan/S2239-QLDC-T15-Devlin-R-Evidence-30910729-v-1.pdf, dated 23 July 2018.
- [⁴] Reddy Group Limited (submitter 699 to Stage 1: submission prepared by Nick Grala of Harrison Grierson Consultants Limited). 2015. Submission on a Publicly Notified Proposed Policy Statement of Plan Under Clause 6 of the First Schedule to the Resource Management Act 1991. Downloaded from: 5_742W33JMP_SUB001v4-132881-lodged-nhg.pdf, dated 22 October 2015.
- [⁵] Coherent Hotel Limited (submitter 699 to Stage 1: pre-lodged expert evidence prepared by Nicolas Grala of Harrison Grierson Consultants Limited). 2017. Statement of Primary Evidence of Nicholas Colyn Grala on behalf of Coherent Hotels Limited. Downloaded from: S0699-Coherent-Hotels-Ltd-T13-GralaN-Evidence.pdf, dated 9 June 2017.
- [⁶] Coherent Hotel Limited (submitter 699 to Stage 1: pre-lodged legal submission prepared by Jeremy Brabant). 2017. Legal Submission on behalf of Coherent Hotels Limited. Downloaded from: S0699-Coherent-Hotels-Ltd-T13-BrabantJ-Legal-Submissions.pdf, dated 14 July 2017.
- [⁷] QV.Website: <https://www.qv.co.nz/property/14-richards-park-lane-fernhill-queenstown-9300/1472960>, accessed 7 August 2018.
- [⁸] Devlin, Rosalind. 2017. Section 42A Report/Statement of Evidence of Rosalind Devlin on Behalf of Queenstown Lakes District Council Group 1C Queenstown Urban – Central, West and

Arthurs Point. Downloaded from: QLDC-13-Queenstown-Mapping-Group-1C-Rosalind-Devlin-s42A-Report.pdf, dated 24 May 2017.