

Before the Independent Hearings Panel

Under the Resource Management Act 1991 (**RMA**)

In the matter of submissions on the Inclusionary Housing Variation to the Queenstown Lakes Proposed District Plan

Summary and Supplementary Evidence of Berin John Smith

4 March 2024

Applicant's solicitors:

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Introduction

- 1 My full name is Berin John Smith.
- 2 I prepared a Statement of Evidence on the Inclusionary Housing Variation dated 19 December 2023 (**Statement**).
- 3 My qualifications and experience are set out in my Statement.
- 4 I reconfirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

Summary of Evidence

- 5 The main focus of my evidence is on the workability of the proposed AHFC provisions and how, in my opinion, they would frustrate subdivision and contribute to further costs on that activity.

Supplementary Evidence

- 6 I have reviewed the rebuttal statement of Mr Mead and the accompanying set of amendments to the provisions and I make the following comments as referenced in Mr Mead's Summary Statement:

(j) Amending 40.6 to consistently refer to 'additional residential lots'

Comment: That change is helpful because it clarifies that a AHFC would not be levied on bulk title or super lot subdivision or other special purpose-type lots (reserves, utility land) and would instead be confined to subdivision creating additional residential lots. There remains a discrepancy within Rule 40.6 where it refers to the aforementioned but also 'additional serviced residential lots'. For better clarity the latter should be employed consistently through that rule. 120

(k) Adding a new clause to 40.6.1 referencing credits from 'tiered' subdivisions.

Comment: That change is helpful because to avoid multiple AHFCs being charged or 'double-dipping' by the Council. However, the new clause requires a 'reduction' in any previous AFHC paid.

That would allow the Council to re-apply the provisions to subdivision of land where an existing AHFC agreement has

been established and make up the difference in a way contrary to that agreement. Alternatively it would expose the applicant to a more challenging fully discretionary activity consent process where it seeks to rely on that earlier agreement.

In my opinion a further clause (f.) should be added to 40.6.1 that provides for a full AHFC exemption or an alternative AHFC calculation where that is already provided for under an existing agreement.

- (n) Amendment to Interpretation section to clarify that valuation of lots as part of the consent applications is appropriate (not as part of the 224c stage).

Comment: That change is helpful where an AHFC is to be made in land because it enables the valuation necessary to identify the required quantum of land to be defined and approved at the application stage. However, where a monetary AHFC is to be made I believe that the timing of the valuation should be more effectively tied to the 224(c) application stage. This is because there can often be many years to traverse the consent stage, the s.223 stage and the final 224c stage of subdivision that could render the earlier application-timed valuation out of date.

Berin Smith
4 March 2024