

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-137

Under	The Resource Management Act 1991 (RMA)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited
	Appellant
And	Queenstown Lakes District Council
	Respondent

STATEMENT OF EVIDENCE OF JOHN GERARD DARBY FOR JACKS POINT AND OTHERS

Topic 22: Jacks Point

13 December 2021

Appellant's solicitors:
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**anderson
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INTRODUCTION

- 1 My full name is John Gerard Darby.
- 2 I am the Director of the Jack's Point companies as noted, further referred to as the Jack's Point Group (**JPG**) and I am authorised to give evidence on their behalf.
- 3 I am also a Director of the planning and design consulting firm Darby Partners. I have a Bachelor of Horticulture and a Postgraduate Diploma in Landscape Architecture from Lincoln University and am a Fellow of the New Zealand institute of Landscape Architects.
- 4 I have prepared evidence for and attended the initial hearing of the Environment Court on Topic 22: Jacks Point Zone. My evidence on this topic included the statement of evidence dated 8 July 2020, the detail of my experience and expertise is set out in that statement.

RESPONSE TO FEEDBACK FROM MR NEVILLE ANDREWS

- 5 I have reviewed Mr Andrew's feedback on the s 293 proposal and respond to each of his points individually, copied from Mr Andrew's feedback;

“Initially I refer to appendix 4 Evaluation. My preference is option1, which does not expand the village beyond what was originally proposed. I and many others bought into Jacks Point understanding the village would be restricted to the initial site and size. This current proposal has the village footprint increasing by 28.2%.”

- 6 The Village Activity Area (S293 proposal) has increased in size 27.97% from 18.67ha to 23.93ha to incorporate some the education activity area and neighbouring OSG Activity Area. New areas of zoned open space (OSG and OSA) have also been created within the proposed Village area. The proposed Village Activity area will be less in area than the current Village and Education Areas combined (25.70ha).
- 7 In the district plan review process, the Education Area was created to ensure zoning was provided for a school site and other community uses. The Ministry of Education then acquired 3.00ha of residential land in Hanley's Farm and have since provided feedback in our consultation process stating that it has no plans for any further schools in the area.
- 8 Site Coverage under the current QLDC Decisions version of the Jack's Point Zone, would enable up to 14.37ha of built development within the Village and Education Activity Area. This assumes 60% of the Village Activity Area, and 45% per site area within the Education Activity Area. The Education area could feasibly be developed as a singular site, given the type and scale of activities that would be anticipated under this area, such as a university campus etc.

- 9 The site coverage that is now provided for by the Village CDP (S293) is 10.00ha, therefore resulting in a significant decrease of built development than that originally intended for the zone and that which is provided for today under the Decisions Version of the plan, resulting in a 23% decrease in site coverage from that approved in the Village and Education Activity areas in the Decision Version.

“The proposed increased land coverage for the village will have a significant impact on the outlook of many Jacks Point Residents. Our views will have a dramatic increase in roof tops (and at night street and dwelling lighting). Again, not something we bought into.”

- 10 The potential impacts of changes to the Jack’s Point Village Activity area on landscape and visual effects were reviewed during our consultation process by Yvonne Pfluger (Boffa Miskell). In summary, this concluded that the change in zoning from Education to Village activity area would not lead to adverse visual effects.

“This is another example of the developer agreeing to a plan for the development of Jacks Point, only to then regularly erode the "agreed plan" so he can extract more "personal value" from the development.

Please note a couple of detrimental changes the developer has achieved to date:

- (a) *Removal of the original deed principle of 95% reserve space 5% built on space.*
 - (b) *A significant increase in the number of Preserve Homesites (aided by the above change) again impacting the outlook of residential precinct owners.”*
- 11 The interpretation of the stakeholder’s deed above is incorrect. The deed refers to 95% “open space”, not reserve space, with the remainder (5%) being “site coverage”, which means land covered by buildings. Therefore the 95% open space contains all land that is not covered by buildings being both public and privately owned land.

I am opposed to any change to zoning related to OSG land. As we have seen with the driving range, originally OSG, then changed to Education and now an attempt to change it to village i.e. V(JP). It is this slow erosion of open space that I disagree with.

- 12 Answers to this comment are covered in the following section. As noted below – there is an increase in zoned open space of 1.74ha under our proposal.

Point 7 in the summary document, in particular "undertake realignments with the Open Space Golf Activity Area along the eastern side of Lake Tewa and an area of land immediately alongside the driving range within the current Open Space Golf

Activity Area, and to include two new areas of Open Space Residential Amenity Activity Area (OSA)" seems to be in conflict with the CDP appendix 2 Plan 1. The land referred to above seems to be included in M 6A and M 6B, i.e. 60% built on.

- 13 The Education activity area boundary has changed in our proposed Village and now adds multiple new areas of open space (OSG, and OSA). The change in boundary includes 0.44ha of OSG activity area, which includes part of landuse areas (M-6A), and (M-6B), which are referred to in the summary document as the "land immediately alongside the driving range".
- 14 The changes in the boundary of the Education activity area and the OSG activity area were to better align the boundaries with the landform within this area, as well as ensuring there are areas of land within the Village that are truly zoned as open space, with associated planning mechanisms in the CDP to ensure that they are delivered by the related landuse area when they are developed. The proposed new open space areas within the approved Village and Education area total 2.18ha.
- 15 The proposed CDP adds a further 1.74ha of OSG and OSA activity areas to the Jack's Point Zone. This is derived from the 2.18ha of new open space, minus that added to the Village, being 0.44ha. The attached plan illustrates the areas that have been rezoned as OSG, and OSA and Village.

I now refer to Appendix 2 CDP Plan 3, which shows three open space areas in the village. It is difficult to ascertain the actual size of these, however, as can be seen from the plan, this represents a very small area of true open space. And in reality, the open space 2 "wetland" is really a stormwater channel. Open space is supposed to "provide benefit to the general public as an area of visual, cultural, educational and recreational amenity value." I believe significantly more land needs to be committed to true open space, be it option 1 or 2 that is selected for the CDP.

- 16 The attached plan illustrates the size of these zoned open space areas. As for other developments within Jack's Point, and as shared in our consultation process – there will be areas of open space expected to be created (such as the waterfront boardwalk) within the landuse areas, but these are not able to be zoned as such as they are unknown as to their size and shape as they will be created alongside development of the individual landuse areas.

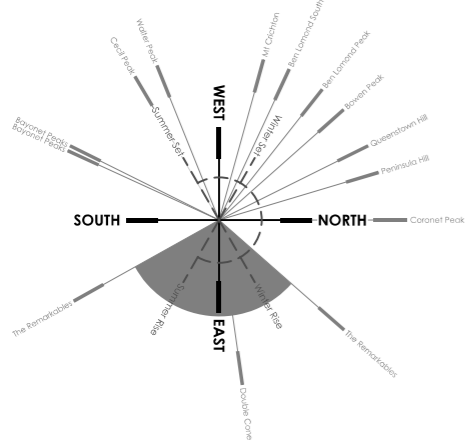
It will be argued that the planned R and M activity areas will have open space, because of the site coverage rules. However, the residual land is privately owned and therefore not available to the general public, so it is not true open space. It is the same argument that applies to the unbuilt area on my section - it is incorrectly claimed in the 95% reserve space from the original deed, whereas it is private land.

- 17 As previously mentioned, “reserve space” is not provided for within the stakeholder’s deed.

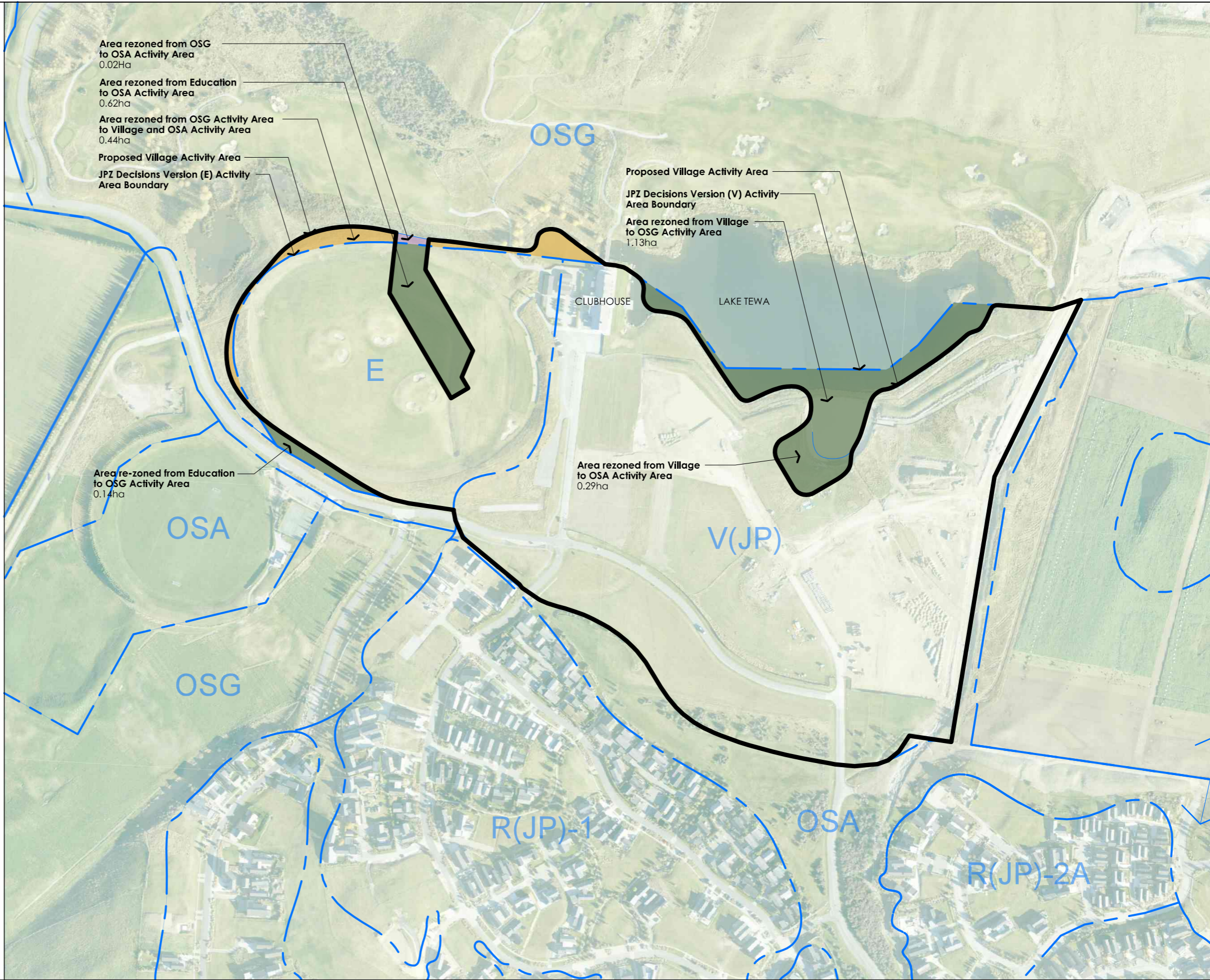
- 18 It is a typical outcome of this scale of development that individual sub - developments of each landuse area will provide additional areas of open space. An example of this is the development currently being undertaken within landuse area (R-1), which also provides a communal park space alongside approximately 70 residential units.

John Darby

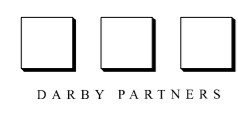
Dated this 13th day of December 2021



- KEY:**
- Existing JPZ QLDC Decisions Version Structure Plan Activity Area Linework
 - OSG - Open Space Golf
OSA - Open Space Amenity
V (JP) - Village
E - Education
 - Existing OSG area rezoned and added to Jack's Point Village Activity Area and OSA Activity Area 0.44ha
 - Existing Village and Education Activity Areas rezoned to OSG and OSA 2.18ha
 - Existing OSG rezoned to OSA Activity Area 0.02ha
 - Proposed Jacks Point Village Activity Area Boundary



VAIP Jacks



SCALE: 1:2000 (A1); 1:4000 (A3)

CONSULTANTS:

NOTES:

REVISION:

NO	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	Structure Plan Overlay	1.09.21	TG	-	JD
A	Structure Plan Overlay	09.09.21	TG	-	JD
B	Structure Plan Overlay	1.11.21	TG	-	-
C	Structure Plan Overlay	09.12.21	TG	-	JD

JACKS POINT VILLAGE - CDP VILLAGE AND OSG ACTIVITY AREA OVERLAY PLAN

PLAN STATUS: **EVIDENCE** JOB CODE: **JP_20_10** DRAWING NO: **CDP-033** REV: **C**