

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

ENV-2018-CHC-137

I MUA I TE KŌTI TAIAO  
I ŌTAUTAHI ROHE

**IN THE MATTER** of the Resource Management Act 1991  
(the Act)

**AND**

**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** **Coneburn Preserve Holdings Limited &  
Others (Jacks Point)**

Applicant

**AND** **Queenstown Lakes District Council**

Respondent

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**STATEMENT OF EVIDENCE OF JOHN (BERNARD) EDMONDS  
(PLANNING)**

**TOPIC 22 – JACKS POINT ZONE – S293 PROCESS**

**15 NOVEMBER 2021**

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## **1.0 INTRODUCTION**

### **Qualifications and Experience**

- 1.1 My full name is John Bernard Edmonds. I am a Principal of John Edmonds & Associates Limited, a Queenstown based planning consultancy.
- 1.2 I hold the qualification of a Bachelor of Regional Planning from Massey University. I am a full member of the New Zealand Planning Institute.
- 1.3 I have 31 years' experience in planning and resource management roles, including strategic planning, master planning, urban design, policy development, project management and other resource management consultancy services. I have worked in both local government and private sector roles.
- 1.4 My previous roles include five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner.
- 1.5 In January 2001 I went into private consultancy, establishing John Edmonds & Associates in 2002. In this role I have managed planners and environmental scientists and have been personally responsible for master planning, strategic planning, urban design, preparing resource consent applications and assessments of effects, and been the principal consultant assisting with planning and environmental issues for a number of significant local developments. I have also presented evidence at numerous Council and Environment Court hearings.
- 1.6 I confirm that I have complied with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence is within my area of expertise, except where I

state that I am relying on the evidence of another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

### **Involvement in the Jacks Point Area**

- 1.7 In 2001 I was the planning consultant that prepared Variation 16 to the Proposed District Plan that incorporated the Jacks Point area into the existing Resort Zone framework of the District Plan (at that time). Our company then assisted with the preparation of a variety of land use consents for Jacks Point up until about 2006.
- 1.8 The Jacks Point Variation resulted in the re-zoning of three adjacent parcels of land (Jacks Point, Homestead Bay and Hanley Downs) each with its own Structure Plan. Each Structure Plan identified a number of sub-zones that are referred to as 'Activity Areas. Each Structure Plan provides for a centrally located 'Village' Activity Area, which would act as the focal point for each of the three communities.
- 1.9 The Jacks Point, Homestead Bay and Hanley Downs blocks were retained in mostly separate ownership. I understand that RCL initially owned most of the Jacks Point Village Activity Area, but in conjunction with other transactions has reduced its ownership to two separate parcels of land totalling 2.0364 hectares. RCL Jacks Point Limited also own a 41 hectares block of land in the south-east corner of the Jacks Point Zone which is often referred to as the 'infrastructure block', as it includes the wastewater treatment and land disposal area for the residential land in Jacks Point.
- 1.10 In 2012 I was approached by the RCL owners of the Hanley Downs block to assist with planning advice on future zoning of that area. I employed Mr D. Wells to assist with this project, and he took an ever increasing role in the zoning, consenting

and implementation of subdivision and land use approvals. He now oversees all development of Hanley Downs on behalf of RCL. I have not had direct involvement in the Hanley Downs project since about 2014. Our company assisted RCL in preparing Plan Change 44 to the then Operative District Plan. This included creating additional residential Activity Areas, and establishing a separate policy and rule framework for the Hanley Downs neighbourhood, distinct from the rest of the Resort Zone.

- 1.11 In 2019 our company was approached by RCL to assist with planning advice in respect of the two parcels of land that RCL has retained within the Jacks Point Village Activity Area.

### **Documents and Materials Reviewed**

- 1.12 In producing this statement of evidence, I have reviewed the document titled 'Summary of Proposed Comprehensive Development Plan and Associated Changes to Chapter 41 of the Proposed District Plan and the seven appendices.

### **2.0 ISSUES TO BE ADDRESSED**

- 2.1 In this evidence I address the alteration of RCL's land from Mixed Use to Residential as proposed in the CDP submitted to the Environment Court, and consequential changes to building coverage.

### **3.0 RCL LAND**

- 3.1 RCL Real Estate Pty Limited are the sole shareholder in Jacks Point Village Terraces Limited, the owner of Lot 3 DP 498079 (1,898m<sup>2</sup>) and Lot 11 DP 498079 (1.8466 hectares) – identified in Figure 1.
- 3.2 These vacant parcels of flat land are both located within the Village Activity Area of the Jacks Point Zone in the PDP.

- 3.3 Both parcels are located along the eastern boundary of the Village Activity Area, parallel to Homestead Bay Road, and form the edge of the Village Activity Area. The Structure Plan in Chapter 41 of the PDP identifies an Open Space Activity Area separates Lot 11 from the Residential Activity Area.



**Figure 1 – Location of RCL Land within the Jacks Point Village**

- 3.4 The use, development and management of land at Jacks Point is reasonably complex and relies upon a combination of public and private mechanisms.
- 3.5 I understand that all landowners in Jacks Point are required to be members of the Jacks Point Owners and Residents Association Incorporated. The Constitution establishes bylaws, that include the creation of Design Guidelines for different land areas within the Zone, that inform land use, landscaping, building design and approval processes.
- 3.6 The Constitution also establishes a separate set of Bylaws for the RCL land, which is described as the Northern Village Precinct of the Jacks Point Residents and Owners association

Incorporated. The two parcels of RCL land within the Jacks Point Village Activity Area are subject to a different set of Design Guidelines and they are administered by a separate Design Review Board from the balance of the Jacks Point Village properties.

#### **4.0 SUMMARY OF PROCESS TO DATE**

##### **District Plan Review**

- 4.1 QLDC commenced the review of the District Plan in 2015, and included all of the Hanley Downs, Jacks Point and Homestead Bay areas within a new stand-alone Jacks Point Zone (Chapter 41). RCL have kept a “watching brief” in respect of their Jacks Point Village land through the PDP review process. Through the majority of the review process, little was proposed to fundamentally change in respect of the Jacks Point Village area, and so was acceptable to RCL. The Council’s decision-version of the Jacks Point Zone provides a Building coverage of 60% (across the whole Activity Area), and a maximum height of 12m (no more than 3 storeys).
- 4.2 Through the PDP review process, the Jacks Point Village Activity Area was identified as a *‘vibrant mixed use hub, comprising a range of activities’*<sup>1</sup>.
- 4.3 PDP Policy 41.2.1.19 (Decisions Version May 2021) is to:
- “Encourage high quality urban design throughout Jacks Point village and Homestead Bay village activity Areas by:*

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<sup>1</sup> PDP, Chapter 41 – Jacks Point, Policy 41.2.1.17 (Decisions Version – May 2021)

*(a) Requiring all subdivision and development to be in accordance with a comprehensive Development Plan incorporated in the District Plan...*"

- 4.4 The policy continues to provide numerous engineering, urban design and architectural outcomes.
- 4.5 The term 'Comprehensive Development Plan' is not defined in Chapter 2 (Definitions). The only other reference to this term is at Rule 41.4.2.1. That rule requires Controlled Activity consent be obtained for any 'commercial, community, residential, residential visitor accommodation, homestay or visitor accommodation activity' and also for any building (including any building alteration or addition) provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan. The status of an activity or development that does not comply with this Rule is Discretionary<sup>2</sup>.
- 4.6 In 2018 Jacks Point appealed the Council's decision on Chapter 41 of the PDP on a number of provisions for the Jacks Point Village Activity Area. The appeal was heard by the Environment Court (Topic 22) in September 2020. At this hearing consensus was reached between Jacks Point, the Council and other parties on a process to advance the potential incorporation of a CDP into Chapter 41, together with related changes to Chapter 41 and the Structure Plan.

#### **November 2020 CPD**

- 4.7 On 15 October 2020, the Environment Court issued a minute directing Jacks Point to provide the parties, Ministry of Education and the Committee an updated draft

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<sup>2</sup> Rule 41.3.2.1

Comprehensive Development Plan for consultation with the Ministry of Education and the Jacks Points residents from 13 November 2020 to 12 February 2021.

- 4.8 The updated draft CDP for consultation was provided on 13 November and then a further updated draft along with supporting information was provided to the residents (and general public) through the Jacks Point website on 24 December.
- 4.9 The RCL land was not included in the November 2020 CDP, and as such RCL did not provide feedback through these initial consultation stages.

#### **March 2021 – CDP**

- 4.10 An updated CDP was issued by Jacks Point on 9 March 2021 and included the RCL land. RCL did not have any input into the structure of that document or the particular classification of their land. All of the RCL land was identified as part of the proposed *Mixed-Use Precinct*. Public consultation extended from April 2021 to 30 June 2021 on the March 2021 CDP.
- 4.11 RCL provided written feedback to Jacks Point (*Summary of CDP and Associated Changes to the PDP, Section 293 Proposal, Appendix 6 to Appendix 5, pages 283 – 296*) dated 26 May 2021. The feedback identified that the CDP should be reformatted and streamlined for administrative efficiency. RCL also identified that the RCL land should be excluded from the preparation of any further detailed Design Guidelines for the Jacks Point Village Activity Area because the design approval process for the RCL land is separately administered by the Northern Village Precinct Design Review Board.
- 4.12 A follow up meeting was held with RCL and Jacks Point on 24 June 2021. At this meeting it was reiterated that RCL were



content with both parcels of land remaining *Mixed-Use Precinct*. No indication of any potential changes to this land use area were raised.

### **September 2021 CDP**

- 4.13 A revised CDP was issued by Jacks Point to the Council, Residential Precinct Committee, RCL and other parties, which identified the RCL land as Residential.
- 4.14 There were no further consultation opportunities for RCL following the closing of the public consultation period however it is understood that further meetings were held with QLDC and the Residential Precinct Committee at which the decision was made to include the RCL land as Residential in the Notified CDP.
- 4.15 I understand that no consultation has occurred between QLDC and RCL.
- 4.16 The September 2021 CDP proposal includes three plans titled:
- Plan 1 – Landuse Areas and Site Coverage
  - Plan 2 – Road Network and Hierarchy
  - Plan 3 – Community Amenities, Pedestrian and Cycle Network
- 4.17 On each Plan, the Jacks Point Village Activity Area is subdivided into four generic 'Land Use Areas<sup>3</sup>', which are effectively sub-zones within the Village Activity Area. Plan 1 includes a Table that briefly describes the enabled activities

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<sup>3</sup> Medium Density Residential, Mixed-Use, Visitor Accommodation, and Community

within each of those Land Use Areas, and the site coverage rules that would apply to each of the four areas.

4.18 A copy of the Table included on Plan 1 is reproduced below:

Land use Activities enabled	Land use Areas			
	M-1 TO M-16 (Mixed Use)	VA-1 to VA-3 (Visitor Accommodation)	R-1 to R-7 (High and Medium Density Residential)	C (Community)
Commercial Activity	●			
Visitor Accommodation Activity	●	●		
Residential Activity	●	●	●	
Community Activity	●			●
Non-accessory Parking	●			
<b>Site Coverage</b>	<b>60%</b>	<b>60%</b>	<b>45%</b>	<b>45%</b>

4.19 Plan 1 identifies the two RCL land areas as *Residential Land Use Area R-6\* and R-7\**. The cross-referenced Table on Plan 1 describes Land Use Areas R-1 to R-7 (High and Medium Density Residential).

4.20 The footnote on the CDP Plan titled *Regulatory Plan – Plan 1 - Landuse Areas and Site Coverage* states:

*(R-6\*) AND (R-7\*) are provisional land use areas and site coverages only as sought by JPROA Residential Precinct Committee and QLDC following consultation in*

*accordance with the environment court directions dated 30<sup>th</sup> July 2021.*

#### **Changes to PDP Chapter 41**

- 4.21 The Table embedded into Plan 1 of the CDP identifies a Site Coverage of 45% across each of the seven Residential Land Use Areas. This same site coverage limitation is included in the amendments to the rules in Chapter 41 of the PDP.
- 4.22 The 60% maximum building coverage of the total Village Activity Area<sup>4</sup> has been replaced with Land Use Area building coverages<sup>5</sup> that are calculated across each individual Land Use Area, including:
- a maximum of 45%, calculated across the area of each Medium Density Residential Land Use Area (R-1 to R-7).
  - a maximum of 60%, calculated across the area of each Mixed-Use Land Use Area (M1 to M-16).
  - a maximum of 60%, calculated across the area of each Visitor Accommodation Land Use Area (V-1 to V-3)
  - a maximum of 45%, calculated across the area of the Community Land Use Area.

#### **Design Guidelines**

- 4.23 Design Guidelines have been included in the section 293 documents submitted to the Environment Court.

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<sup>4</sup> PDP, Chapter 41 – Jacks Point, Rule 41.5.2.2

<sup>5</sup> Tracked changes version of PDP, Chapter 41 – Jacks Point as submitted to the Environment Court, Rule 41.5.2.2

- 4.24 The Design Guidelines are a non-statutory document outside of the District Plan and will be administered by the various Jacks Point Village Design Review Boards, which are established by the Jacks Point Constitution for the Jacks Point Residents and Owners Association Incorporated.
- 4.25 The land that is owned by RCL is subject to its own Design Review Board (being the 'Northern Village Design Review Board') and is not subject to those guidelines included in the CDP documents.

### **Change of Land Use**

- 4.26 I understand that the change from *Mixed Use Precinct* to *Residential Land Use Area* was included in the Notified CDP following the consultation stage, based on feedback provided by the JPROA Residential Precinct Committee and QLDC.
- 4.27 I am advised that RCL only became aware of the amendments to the CDP when the amended Draft CDP Plan was issued on 13 August 2021. This amendment was not discussed with RCL.

### **Reasons for Changing the Classification of the RCL Land**

#### *JPROA Residential Precinct Committee*

- 4.28 The JPROA Residential Precinct Committee have expressed a preference for the RCL land to be identified as Residential, stating that the RCL land is better suited to low density residential. However, no reasoning has been provided to support low density residential being more appropriate than *Mixed Use Precinct* for the RCL land.

### QLDC

- 4.29 QLDC submitted that retaining the RCL land as *Mixed Use Precinct* could create an unusual mix and graduation of activities. They are concerned that the layout would result in a strip of mixed use development separating two residential areas (separated by road and open space).

### **Evidence Provided for Change of Land Use**

- 4.30 There is a lack of evidence provided to support the amendment to the land use from Mixed Use Precinct to Residential in terms of visual effects, reverse sensitivity of any other changes that would justify this change. The QLDC feedback does not identify that the RCL land should be residential.

## **5.0 IMPLEMENTATION OF THE CDP**

- 5.1 As noted at 4.1 to 4.5, the CDP will be implemented through the District Plan. Rule 41.4.2.1 provides that Controlled Activity consent is required for an activity or building that is in accordance with the CDP, otherwise discretionary activity<sup>6</sup> consent is required.
- 5.2 The matters over which the Council has reserved control over are:
- a. *layout and orientation of built form, open spaces, roading pattern, car parking, and pedestrian and cycle access;*

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<sup>6</sup> PDP, Chapter 41 – Jacks Point, Rule 41.3.2.1

- b. *bulk, location and external appearance of buildings and associated including the creation of active frontages adjacent to roads and public spaces;*
- c. *the density and location of any proposed residential activity;*
- d. *the location of any proposed commercial and community activity;*
- e. *landscaping;*
- f. *streetscape design;*
- g. *the formulation of design controls in relation to buildings, open space, and streetscapes and an appropriate legal mechanism to ensure their implementation;*
- h. *the adequate provision of storage and loading/ servicing areas;*
- i. *traffic effects.*

5.3 The other relevant rules for activity and building within the Jacks Point Village include:

- 41.5.2.1 Scale of Commercial Activity (200m<sup>2</sup>)
- 41.5.2.2 Building Coverage (45% to 60% - Jacks Point Village)
- 41.5.2.3 Building Coverage (60% – Homestead Bay Village)
- 41.5.2.4 Building Height (12m and three storeys)

5.4 Taking into account the matters over which the Council has reserved control, and the other development standards mentioned above, the District Plan provisions provide an adequate and appropriate framework to manage the quality and scale of built form and its integration into the wider neighbourhood.

- 5.5 It is noted that any single commercial activity in the Jacks Point Village is limited to 200m<sup>2</sup> of net floor area<sup>7</sup> to meet the controlled activity rule.
- 5.6 I also note that the height of buildings across the Jacks Point Village Activity Area is 12m regardless of the Land Use Area classification.

### **RCL - Land Use Area Classification**

- 5.7 I consider that the classification of the RCL land for Residential purposes is unnecessarily restrictive. The Land Use area table reproduced above confirms that the R1 to R7 land can only be used for residential purposes.
- 5.8 Alternatively the proposed Mixed Use Land Use Area classification (shown on Plan 1 as M1 – M16) provides the full range of activities, including *Commercial Activity, Visitor Accommodation Activity, Residential Activity, Community Activity and Non-accessory Parking*.
- 5.9 Most of the RCL land (Lot 11) is located between Homestead Bay Road and a strip of land that is described in the Jacks Point Structure Plan as *Open Space Residential Activity Area (OSA)*.
- 5.10 Homestead Bay Road extends from the north-east corner of Jacks Point through to the new proposed residential community at Homestead Bay, and is described as a Primary Road in the Road Network and Hierarchy Plan.
- 5.11 The adjacent Open Space Residential Activity Area is an established planted open space that extends parallel to RCL's Lot 11 and varies from 12 to 95m wide. A developed Jacks

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<sup>7</sup> PDP, Chapter 41 – Jacks Point, Rule 41.5.2.1

Point residential neighbourhood is located on the eastern side of this open space area. This open space provides a suitable visual and spatial buffer between that residential neighbourhood and the RCL land. The Open Space Residential Activity Area was shown on the Structure Plan that formed part of the original Jacks Point Variation.

- 5.12 The proposed Residential Land Use Area classification of the RCL land has the effect of diluting the range of permitted activities while also reducing the size of the Village Activity Area.
- 5.13 I consider that the Open Space Residential Activity Area located to the east of the RCL land is the appropriate boundary demarcation between the residential neighbourhood and the Village.
- 5.14 I note that the area identified as M-16 on the proposed CDP, which is surrounded by existing and future residential land use, retains a Mixed Use Land Use Area classification despite the feedback from JPROA Residential Precinct Committee and the QLDC.

## **6.0 CONCLUSION**

- 6.1 The Village Activity Area in the Jacks Point Zone (Chapter 41 of the Proposed District Plan) relies upon the approval and implementation of a Comprehensive Development Plan (CDP). That CDP has been prepared by Jacks Point, and creates a series of sub-zones that are referred to as Land Use Areas.
- 6.2 RCL own two parcels of land within the Jacks Point Village Activity Area, located on the eastern side of Homestead Bay Road.



- 6.3 RCL have maintained an interest in the District Plan review process, and accepted that those parcels of land should be retained within the Village Activity Area.
- 6.4 RCL had input into the initial stages of the CDP process, and agreed that both parcels of land should be classified as Mixed Use Precinct.
- 6.5 RCL have not been consulted by Jacks Point or the QLDC regarding subsequent changes to the proposed CDP which involved amending the Land Use Area classification from Mixed Use to Residential.
- 6.6 There is a lack of evidence provided to support the amendment to the land use from Mixed use to Residential in terms of visual effects, reverse sensitivity of any other changes that would justify this change, particularly given the adverse effects for RCL in losing the flexibility to undertake mixed use development as it has long had for this land.
- 6.7 I consider that it is appropriate to amend the Land Use Area classification to Mixed Use, as that will better achieve objectives and policies of the Jacks Point Zone that relate to diversity of living, establishment of an integrated community and a vibrant mixed use hub for the Village Activity Area.

**John Edmonds**

15 November 2021