

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act  
1991

**AND**

**IN THE MATTER OF**

The Queenstown Lakes  
Proposed District Plan  
Submission and Further  
Submissions on Chapter 41  
Jacks Point.

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**STATEMENT OF EVIDENCE BY JOANNA TAVERNER**

**SUBMISSION 131 / FURTHER SUBMISSION 1293**

**17 FEBRUARY 2017**

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## 1. Introduction

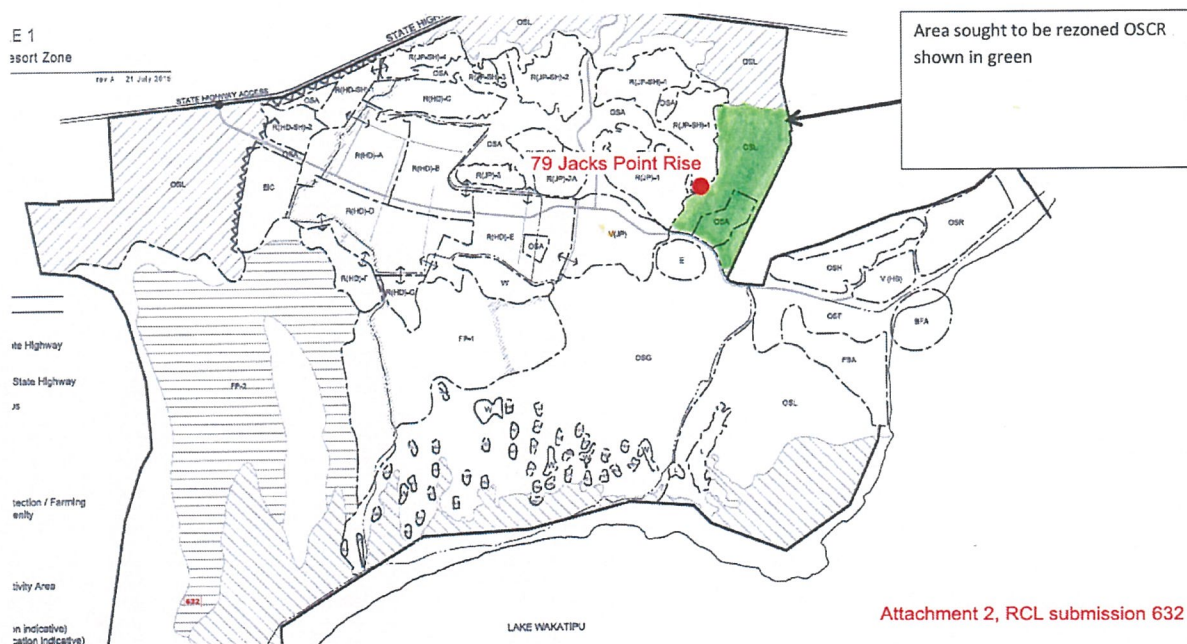
- 1.1 My full name is Joanna Margaret Taverner, and I live at 79 Jacks Point Rise, Jacks Point, Queenstown with my husband and two children.
- 1.2 I am Senior Landscape Architect at Queenstown based LAND Landscape Architects<sup>1</sup> where I have been employed for the last 15 years, under my maiden name of Joanna Dey. I am not appearing today as an expert witness, but as an affected party.

## 2. Summary

- 2.1 I strongly object to the proposal by RCL (submitter 632) to rezone the land bordering my property to Open Space Community Recreation (OSCR) and the associated changes to policies and rules on this land.
- 2.2 I wish to ensure the integrity of the Jacks Point Zone remains uncompromised by the proposed changes to the District Plan.

## 3. Open Space Community Recreation Area (OSCR), Submission 632

Attachment 2



- 3.1 I note that the revised proposal from RCL reduces the scale of their application, and I will address that later. For the record I will briefly address their original application below as I consider it is still relevant.
- 3.2 For reference I have added the approximate location of my property on the RCL attachment above, and I note that photograph D, Appendix 3 of Mr Espie's evidence shows the outlook from Jacks Point Rise above our property.

<sup>1</sup> Formerly Peter Rough Landscape Architects

3.3 In my further submission (1293) on this proposal I stated that:

- *This submission proposes enabling development of commercial recreation buildings of a height, mass and footprint of completely inappropriate scale and site coverage within an area of existing designated open space.*
- *This is contrary to any masterplan ever conceived for the area, to the findings and recommendations of the Coneburn Resource Study, and the existing and proposed provisions of the QLDC district plan. It is also contrary to the original Jacks Point vision.*
- *The negative impact of this proposal would be significant on the immediate neighbours, the Jacks Point residents, the general public who use the tracks and QLDC reserves adjacent to the proposal and users of State Highway 6, and would have a negative impact on the visual and landscape amenity of the adjacent environment.*
- *Commercial recreation facilities also include noisy (outdoor) activities such as go-karting. Again this is inappropriate and inconsistent with the Jacks Point zone.*
- *Both the current and proposed structure plan allows for appropriate community facilities in this area, without the addition of commercial recreation as proposed by RCL.*

3.4 Currently in the Operative District Plan (ODP) this land is zoned Open Space / Golf, with potential for buildings associated with recreation to a maximum height of 4m. The notified Proposed District Plan (PDP) continues this level of control over recreation buildings but allows farm buildings up to 10m high in the new OSL zone.

3.5 Recent examples of commercial recreation buildings within the district include large sports halls, swimming pools, indoor go-karting tracks, a ski slope and a trampoline facility. These indoor activities have produced large-scale 'warehouse' character buildings with large footprints and heights, and long elevations. As pointed out by Ms Jones and Dr Read, 10% of the OSCR land is equal to buildings totaling 29,000m<sup>2</sup> gross floor area (GFA), and when combined with a height of 10m imposes a drastic change from what was previously permitted within the ODP. As a comparison example, the Queenstown Events Centre building (not including the swimming pool) is approximately 3,100m<sup>2</sup>.

3.6 Dr Read agrees with my further submission<sup>2</sup> when assessing the impact of this proposal on the neighbouring residential areas where she considers *"that this (proposal) would have an adverse effect on the amenity of these residents, and that it would diminish the quality of views from these dwellings, and their anticipated amenity."*

3.7 Ms Jones agrees with this statement in her S42A report<sup>3</sup>, and concludes, with reference to expert opinion from Mr Compton Moen and Dr Read, together with additional planning considerations that this proposal is inappropriate and should be rejected.

#### Anticipated Amenity

3.8 Dr Read states that the quality of residents' 'anticipated amenity' would be diminished. On this matter, my husband and I recognised the outstanding residential amenity provided by the development in Jacks Point to date, and this was a primary consideration in our decision to establish our family home in this location. We bought into the unique Jacks Point concept presented to us as the 'original vision'. The original Darby Partners' Jacks Point masterplan (which doesn't include Hanley Downs and Homestead Bay) includes many positive elements

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<sup>2</sup> Evidence of Dr Marion Read, Hearing stream 9, 17<sup>th</sup> January 2017, para 11.15

<sup>3</sup> Section 42A report, 17<sup>th</sup> January 2017, para 13.36 – 13.44

such as the Village, walking tracks<sup>4</sup>, sustainable wastewater management and golf courses, but primarily it creates neighbourhoods which are buffered and separated from each other and from different landuses by important and carefully designed open space areas. These are integral to the success of the subdivision and greatly enhance the residential amenity. Non-residential landuses are carefully located within the zone to provide benefits to the residents and wider community, creating a high standard of residential development, but with minimal adverse impacts. The developed outcome created thus far is considered, harmonious and balanced, and would continue to be so if the zone was developed in accordance with the original vision.

- 3.9 When we purchased our section, as part of our due diligence, we reviewed the controls on this RCL land in the ODP, and researched (among other references) the 95% maximum site coverage agreed to in the Stakeholders Deed, which is listed along with Development Controls and Design Guidelines as a method of implementing the ODP objectives and policies. We also examined the Coneburn Resource Study and the Jacks Point masterplan.
- 3.10 We observed that the ODP specifically lists '*Preservation of the open space and rural amenity*' in section 12.1.5 under Environmental Results Anticipated at Jacks Point.
- 3.11 We therefore concluded that any buildings permitted on this RCL land would be 4m high maximum, of a small scale, (the Coneburn Resource Study suggests that any built form is 'clustered' together within open space), and hunkered down into the surrounding topography and planting, to ensure any buildings are viewed subservient to the landscape. It was reasonable for us to assume that activities permitted on this land would not drastically change. Had we known the zone would change to allow buildings of significantly greater bulk, and with such adverse impact on our amenity we would not have bought our section and invested in construction of our family home.

#### Other considerations

- 3.12 In the body of her evidence Dr Read states that she considers the effects on the residential neighbours' amenity to be adverse as discussed above, however in her executive summary<sup>5</sup> she omits this information, and concludes that the effects of this type of development would be '*relatively small*' (I assume from public places such as the State Highway).
- 3.13 Whilst I am not here as a Landscape Architect today, I respectfully disagree with Dr Read's conclusion in this instance. I do not consider that there has been sufficient expert analysis of the effects of this type of proposal in this specific location to make this conclusion, especially when considering the substantial area in which buildings could occur and the additional public places they could be seen from such as nearby tracks and QLDC reserves. The potential effect of this scale of development needs to be properly analysed through visual assessment using profile poles or accurate 3D modelling methods, in order to prove that the effects of this proposed drastic change in land use would indeed be 'relatively small'.
- 3.14 This generalised statement is also contrary to Dr Read's recommendation to reject the proposed incorporation of the Education Activity Area into the Jacks Point Village Activity Area due to concerns regarding inappropriate visibility from State Highway 6<sup>6</sup>. However, as shown in the graphic below, this area is located directly behind the OSCR land when viewed from the state highway, therefore these proposed large scale buildings by RCL would be

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<sup>4</sup> Evidence of MJ Williams and RB EJ Brabant, QLDC PDP Hearing stream 9, Appendix D

<sup>5</sup> Evidence of Dr Marion Read, Hearing stream 9, 17<sup>th</sup> January 2017, para 2.2(a)

<sup>6</sup> Evidence of Dr Marion Read, Hearing stream 9, 17<sup>th</sup> January 2017, para 2.3(2)





than an example, and that no weight can be afforded to the scenario of the land being developed in this manner.

- 4.3 To use my own example of a potential scenario, I am aware that an original intention was to enable development of an indoor tennis facility on this land. This revised proposal from RCL specifically retains 'commercial recreation' as an activity, albeit packaged up a little differently by adding and focusing on an educational landuse, and Mr Espie in his evidence<sup>10</sup> claims that a sports training facility would be one of the 'educational' uses permitted. If the zoning and rules relax in the PDP to allow 7m high commercial recreation or educational buildings with a GFA of 5000m<sup>2</sup>, and that becomes the accepted baseline for the land, an indoor tennis facility is only a small stretch of these rules, in height alone, when the application is made to council, and where previously it would have been rejected outright under the ODP. As mentioned earlier the Queenstown Events Centre is approximately 3,100m<sup>2</sup> GFA, so we are easily back to the potential for large buildings unsuitable for this location and with significant adverse effects on amenity, which I was objecting to in my further submission. In my opinion this becomes particularly likely when a school has been established in the Education Activity Area across Maori Jack Road and the argument is made that this need has been met.
- 4.4 Notwithstanding that scenario, the revised proposal and associated rules are still a significant departure from what was allowed and expected under the ODP.
- 4.5 Mr Wells argues<sup>11</sup> that commercial recreation is an activity that is already catered for in the operative and proposed district plan and provides a baseline of what we should accept as being permitted on the land. Mr Espie repeats this<sup>12</sup>, however I disagree with these statements. The ODP allows the use of Zones G / F for Recreation Activities, Outdoor Recreation Activities and Open Space. In both the operative and proposed district plan Commercial Recreation has an entirely separate definition<sup>13</sup>.
- Surely if commercial recreation was intended to be catered for in the zone provisions, and it had its own definition available for use in the ODP, it would have been included as a specified permitted activity, not just vaguely implied as Mr Wells suggests. In addition, Dr Read<sup>14</sup> states that commercial recreation would be an addition to the hybrid rule for OSA and OSL land, and that commercial recreation is '*the only new activity for the area*'.
- 4.6 Whilst Mr Espie concludes<sup>12</sup> that '*the activities will have no more effect than the operative and proposed provisions*' I consider that he is making this assessment based on his imaginary school example, which does not accurately reflect the complete scope of possibilities for development that would be enabled by the changes requested by RCL, and that in addition to

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<sup>10</sup> Para 5.6

<sup>11</sup> para 103

<sup>12</sup> para 5.10

<sup>13</sup> Commercial Recreation Activities: Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.

Recreation activities: Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.

Outdoor recreation activities: Means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.

Open Space: Means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values. As defined by both the Operative and Proposed Queenstown Lakes District Plan.

<sup>14</sup> Evidence of Dr Marion Read, 17<sup>th</sup> January 2017, paras 11.8 and 11.9

allowing substantially larger buildings and loss of open space, commercial recreation wording was never included in the operative and proposed provisions, and therefore this statement is incorrect.

- 4.7 RCL have breached the Stakeholders Deed for Hanley Downs quite considerably, to the point where it no longer applies to land they are developing. I have seen nothing that would suggest that RCL would honour the Stakeholders Deed as it applies to this land either, and therefore conclude that they would be prepared to push the boundaries through the Resource Consent or Plan Change process to enable a proposal that is inappropriate but profitable on this land. RCL have developers' rights on this land as it applies to residents' non-objection covenants, which were put in place at the outset to allow the original vision of the Jacks Point zone to be fulfilled. We as residents are reliant on a robust district plan to preserve the integrity of the zone and ensure these initial promises to fulfill this vision made via such agreements and supported through the ODP, (which we accepted when we purchased our properties on the understanding they would be upheld) are carried through to completion. This becomes vital when ownership changes to a party not committed to the original vision.
- 4.8 Much as our residential covenants are there to protect and allow development of the original vision, RCL's responsibilities and commitments to this outcome are the same via these agreements tied to the land, and like us they would have been aware of this when they purchased it. Mr Wightman has stated<sup>15</sup> that '*RCL is not a land banker it is an active residential developer*', therefore I consider that this land will remain under threat of development beyond that enabled in the ODP whilst it is under RCL ownership.
- 4.9 I note that myself and a number of Jacks Point residents requested that the village be allowed to develop to be commercially viable. John Darby (Jacks Point Group), the developer and proponent of the 'original vision' has stated in his evidence that non-residential activities should not occur away from the village. I support this view. I also agree with legal submissions<sup>16</sup> which summarise the Jacks Point Group's position on this proposal.
- 4.10 In conclusion, the revised RCL application does not offer any certainty of amenity to the nearby residents in comparison to the certainty that is currently provided by the ODP. It does not offer removal of its request for commercial recreation landuse, which could be omitted if indeed a school was the desired outcome, plus RCL stated<sup>17</sup> a desire to develop the land for '*educational and / or recreational purposes*'. (I trust in this case Mr Wightman means 'commercial recreation' as he goes on to define interested parties as '*commercial and community groups*'). Mr Espie does not suggest in his evidence that the imaginary scenario proposed presents the limit to what he considers appropriate for the land. Nor does his example demonstrate the complete scope of development RCL are applying for, yet he bases his assessment on this. RCL have offered no restriction on the location of buildings. Indeed it is the JPROA who have highlighted that the wastewater pipe locations may restrict built form on this land, despite RCL's claim<sup>17</sup> that they can relocate these, which in itself raises significant concerns. Dr Trevathon's evidence is limited to just educational land use, and nevertheless concludes that school buildings could be located in other places within the site, just with more acoustic mitigation measures utilised. The proposed OSCR zone remains large. The building or buildings could end up roughly where shown in the fictitious scenario presented by Mr Espie and Mr Wells, but they could also end up in an entirely different location depending on their use, such as directly outside residential properties or as close as 450m from the State Highway.

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<sup>15</sup> Statement of David Wightman, CEO RCL Group, QLDC hearing, February 2017, para 4

<sup>16</sup> Para 78-81

<sup>17</sup> Statement of David Wightman, CEO RCL Group, QLDC hearing, February 2017, para 8

4.11 The revised proposal should therefore be rejected in its entirety.

## 5.0 Integrity of the Jacks Point Zone

5.1 I have read Ms Jones' section 42A report and I agree with most of the recommendations she makes as they alleviate my wider concerns that the landscape importance of the zone had been neglected within the Proposed District Plan as stated in my further submission. This specifically includes the following:

5.1.1 Re-instating the wording of the zone objective to include the phrase "*while having appropriate regard for landscape and amenity values*".

5.1.2 Rejecting the OSCR zone.

5.1.3 Additional policy 41.2.1.28 regarding visual impacts of development.

5.2 In addition, I request that:

5.2.1 Dr Read's recommendation to retain policy 3.3 of the ODP which states "*to require the external appearance, bulk and location of buildings to have regard to the landscape values of the site*" is included in the PDP zone objectives and policies.

5.2.2 '*Preservation of the open space and rural amenity*' listed in section 12.1.5 under Environmental Results Anticipated at Jacks Point of the ODP is incorporated within the PDP.

5.2.3 In future District Plan Reviews, the ordinary Jacks Point residents rather than just the (developer led and controlled) JPROA are consulted in the preparation process.

5.2.4 References to the Stakeholders deed be carried over to the PDP.

5.3 In my original submission<sup>18</sup> I requested that all rules as they concern buildings in the G / F zone be continued. This was supported by the group of 'Jacks Point Landowners' as defined in Ms Jones' report. The PDP Rule 41.5.12 allows farm buildings of 10m height in the OSL, which I still oppose. Richard Brabant will discuss this further in his evidence and legal submissions, and I concur with his findings. I also refer you to my evidence, sections 3 and 4 above as it applies to 10m tall buildings in this area. If this rule cannot be rejected I request that an additional rule is added that '*any farm buildings in OSL over 4m tall be located a minimum of 100m away from residential property boundaries*' or a matter of control is added over '*the location and size of the building with respect to the effect on any residents' outlook or amenity*'. This is to allow the construction of farm buildings as required to enable the land to be farmed efficiently, but to keep the impact of this on residents similar to the 4m building restriction provided by the ODP. This is also to ensure continued amenity certainty for residents should a farm shed be erected on the RCL land, then its' use change over time. I consider this a reasonable request considering the size of the land parcel.

5.4 Other Jacks Point residents<sup>19</sup> make excellent points regarding separating Jacks Point from the rest of the zone and I defer to their evidence and statements on that, suffice to say I agree with them.

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<sup>18</sup> submission 131, paragraph 4.9

<sup>19</sup> Tim Williams, Clive Geddes, Richard Brabant.



- 5.5 In general I agree with Dr Read and Ms Jones' assessment of the suitability for development of the preserve homesites (formerly FP1 and FP2), ie. that some, but possibly not all, are suitable for approval, but that each should be expertly and rigorously assessed on their own merits.
- 5.6 I agree with the additional track locations shown through the preserve area in general location, subject to final survey and assessment, and I consider that they could be constructed using appropriate methods to ensure minimal adverse effects prior to the homesites being developed. I also consider that the amenity offered by them to the residents and wider community will offset the minor loss of visual amenity of developing an appropriate number of additional preserve homesites.

Joanna Taverner

17<sup>th</sup> February 2017