

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District Proposed District Plan Topic 09
Resort Zones

SUMMARY STATEMENT OF EVIDENCE OF MIKE COBURN FOR

Jack's Point Residents and Owners Association (#765, and #1277)

Dated 15th February 2017

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INTRODUCTION

- 1 My name is Michael Coburn. I am the Committee Chairman of the Jack's Point Residents and Owners Association ("**JPROA**") and am presenting this evidence in that capacity.
- 2 My statement of evidence dated 03 February 2017 covers in detail the following matters:
 - (a) An overview of the JPROA roles, structure, and general workings, including the Design Review Board process;
 - (b) Opposition to the re-zoning proposal for OSCR land over current open space land;
 - (c) The improvements of the revised package of relief presented by the Jack's Point developer for this hearing, including consolidation of Village, E and previous EIC activity areas;
 - (d) The most efficient and appropriate use of the Tablelands / Valley Slopes areas; and
- 3 I wish to emphasise my original evidence statement which confirms that as part of JPROA's role, it was considered appropriate that the JPROA undertake consultation with as many resident submitters on the DPR as possible. JPROA considered it important to understand these concerns better and see if they could be addressed. The JPROA submission on the DPR was made in general support of the JPZ provisions as notified, given the extensive consultation and involvement the Society and Jack's Point developer had in leading up to that notification. In this respect, I wish to clarify that the JPROA submission was not determined by the Controlling Member (as suggested in the evidence of Mr Brabant, para 22, dated 08 February 2017; it was approved at a Committee level. The Committee Members who all approved the Submission were democratically elected at the AGM of the Society. This Submission is entirely within the JPROA 'mandate' as it was made in compliance with the Constitution.
- 4 I also wish to clarify a number of matters raised in Mr Brabant's evidence in respect of the JPROA constitutional role, its procedure, and purpose as follows:
 - (a) The Chair does not have an "overriding vote". The chair has a casting vote, exercised only in the case of a tie in votes at the committee level (see clause 12.11 of the constitution).¹

¹ I note that this summary statement refers to the most recent and current version of the JPROA Constitution, attached to Ms baker-Galloway's legal submissions. The version referred to by Mr Brabant has now been replaced by this version.

(b) The controlling member does have an overriding vote, but there is a process which must be followed which makes the decision making transparent and gives the members the opportunity to make submissions. Clause 15.7 of the constitution provides that:

- (i) The controlling member must give 14 days' notice to relevant members (depending on the matter at hand);
- (ii) That notice will outline the matter at issue together with a statement of intention from that controlling member as to the vote it intends to cast;
- (iii) Members have the right to provide written submission to the controlling member on the matter at issue;
- (iv) The controlling member will in good faith consider the submission prior to exercising its vote.

(c) The constitution is clear, and has been since the initial incorporation of the Society, on the roles of the committee, developers and controlling members. These entities and governance bodies are given the powers to further the development of Jacks Point and represent JPROA. To say there is a conflict of interest is not correct. The whole basis of the JPROA and the development is that the developer controls JPROA via the controlling member; and the controlling member appoints the chair of the Society. The fact that the Society is aligned with the developer, via the controlling member and the chair mechanisms in the Constitution is what the structure has anticipated from the beginning. This is equally so with regard to RMA matters, reinforced by things such as the non-object covenants.

5 In response to the evidence of Mr Wells for RCL, I note that at para 104 he states that RCL has agreements in place which allow easements and infrastructure over the RCL proposed OSCR zoning. I confirm that there are no such agreements, and if there were, the JPROA would expect to be heavily involved in such negotiation and would not be supportive of this.

6 I support the commitment to reserving a minimum of 2ha within the expanded village for a school to service the needs of the community. As stated in my evidence, there is a clear need for education zoned land, and the expanded village area is an ideal location within the community hub to set this land aside.

7 I also support the removal of the 'spur land' from the R(HD)B activity area. This area was "sold" by JPROA on the basis it would remain open space.