

**Before the Queenstown Lakes District Hearings Panel**

**Under the Resource Management Act 1991**

**In the Matter of the Queenstown Lakes District Proposed Plan**

**And in the matter of submissions by Clive and Sally Geddes  
Submitter 540**

**Evidence of Clive Geddes**

**Chapter 41 – Jacks Point Zone**

Dated February 14 2017

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## **Introduction**

1. My full name is Clive Raymond Geddes and I have lived with my wife Sally at 13 McKellar Drive Jacks Point since 2012. I am a Director of 9 company's which own property on the Preserve at Jacks Point.
2. I have lived in Queenstown since 1975 and in that time I have been involved in the property development, tourism services, commercial accommodation, commercial property, tourism marketing and local government sectors.
3. On behalf of the Queenstown Lakes District Council (QLDC) I was a signatory to the Jacks Point Stakeholders Deed and the Jacks Point Stakeholders Supplementary Deed of 29 August 2003.
4. I am currently engaged as a strategic planner and advisor to a number of offshore companies and in New Zealand act as a Hearings Commissioner for Regional Government.
5. In this submission I refer to the three parts of the Jacks Point Zone (JPZ) as Hanley Downs, Homestead Bay and Jacks Point

## **Summary**

6. My submission and this evidence requests that the integrity of the Jacks Point portion of the JPZ is maintained by the provisions, excepting for those matters which relate to the village area, of the Operative District Plan being retained and that separate provision be made for the Hanley Downs residential development, whether by way of a special zone (as proposed by the private plan change 44) or the use of a residential zone appropriate to the density and form of residential development proposed. If the Homestead Bay submission seeking substantial residential development opportunity were to be accepted, that likewise separate provision be made through an appropriate zoning arrangement. This would enable those areas to be developed to the standards that their owners and their communities deem to be appropriate for them.
7. I support, in their entirety, the submission and further submission of M J Williams and R B Brabant (Submitter 605 and FS1283) and the evidence of R B Brabant on behalf of these parties.
8. I support, in its entirety, the submission, further submission and evidence of J Taverner (Submitter 131 and FS 1293)

## **Background**

9. The Jacks Point Resort Zone was created in 2002 by the QLDC through Variation 16 to the partially operative district plan. The Homestead Bay and Hanley Downs areas were added to the original zone proposal through submissions. The appropriate areas for development within the expanded zone were identified through a comprehensive and detailed landscape values study, the Coneburn Area Resource Study. The zone as adopted by QLDC created 864 residential lots in the Jacks Point area, 540 in Hanley Downs and 152 in Homestead Bay each with an attendant proportional area for commercial development.

## The Jacks Point Stakeholders Deed and Variation 16.

10. The integrity of the zone and its development was intended to be protected by the Jacks Point Stakeholders Deed and the Jacks Point Stakeholders Supplementary Deed, (The Deed) both of August 2003. The Deed, a copy of which is attached to the Sec 42A report, clearly defines the responsibilities of and between the signatory parties who were Jacks Point Limited, Henley Downs Holdings Limited, Dickson and Jillian Jardine, Gerard Boock and QLDC. Clause 24 of the deed binds successors in title.

11. The purpose of the Deed is captured in Clause F :

*'The essence of this Deed is that Jacks Point, Henley Downs and Jardine as submitters to the Variation and owners of the Coneburn Land and the Council wish to ensure that if the Zone is confirmed the land within the Zone will be developed in a coordinated and harmonious manner and the environmental and community outcomes envisaged by this Deed and the variation will be achieved.'*

12. The QLDC Operative District Plan identifies in Section 12 Resort Zones the Stakeholders Deed as an implementation method for the zones objective and the following

*'The Stakeholders Deed embodies the agreement reached between the primary landowners of the Coneburn Land and the Council, ensuring that the land within the Zone will be developed in a coordinated and harmonious manner and that the environmental and community outcomes envisaged by the Deed will be achieved.'*

13. The scale of development proposed for Hanley Downs, (evidence of D Wells 1750 lots), compared to the 540 established through the Variation 16 process demonstrates that the integrity of that portion of the JPZ would be completely compromised were this landholding to remain within the zone. The open space areas designed to provide for rural amenity and the Stakeholders Deed commitment to develop no more that 5% of the land area have been abandoned which is not in keeping with the objectives and policies for the Jacks Point Resort Zone in the operative district plan nor the Deed.

14. The expansion of the Homestead Bay portion of the zone, as proposed in submission 715 will, if consented, also considerably exceed the lots created by Variation 16. Being 15 lots for vineyard activity, 12 building platforms in a residential preserve and a "high density, high-quality Village area with a diversity of housing types mixed in with hotels, inns, small-scale retail activities and recreational and entertainment facilities". Density limited to 2.5% of the entire Homestead Bay area, and density between 140 – 200 residential units in the village.

15. Given what has been sought by way, first of the amended PC 44 provisions and then through submissions to the District Plan review by the Hanley Downs and Homestead Bay submitters, it is clear to me that Jacks Point Limited and its successors in title are the only land-owning parties to the Stakeholders Deed who have largely respected and met both its provisions and the ambition and purpose of Variation 16 in creating the Jacks Point Resort Zone which was to :

*'To enable development of an integrated community, incorporating residential activities, visitor accommodation, small-scale commercial activities and outdoor recreation - with appropriate regard for landscape and visual amenity values, servicing and public access issues.'*

16. The residential areas of the Jacks Point part of JPZ have been sold, (Jacks Point website February 2017), planning has commenced for the village area and the commitment to the retention of open space has been re stated although the inconsistency in that area requires clarification. (Clause 24 and 28 Evidence J Darby) In regards to residential development this part of the JPZ is to all intents and purposes complete and the provisions for residential development in the Proposed District Plan (PDP) are therefore largely irrelevant to it excepting those that apply to the Jacks Point village area.
17. The contractual commitment in the Deed by the signatories to provide an integrated approach to the development of the JPZ has not been recognised by the Hanley Downs and Homestead Bay land owners. The on-going development within the (operative) JPZ is now being developed by three separate ownership groups each of whom have three quite separate proposals in respect to the development of their land. The Deed required integrated development but, (with the exception of the "Jacks Point" part of the zone), the other parties to the Deed now seek to pursue different and more intensive forms of residential development than that approved by Variation 16 and thereby the Operative Plan Chapter 12 provisions providing for the Jack's Point zone.
18. Planning documents for the future should be informed by experience. With the Hanley Downs residential development matters have advanced to the stage where a non-notified consent has approved subdivision and the developer has already sold residential sections on the open market. Agreement has obviously been reached with the Council to supply water and wastewater through reticulation from Frankton and for the Council to have roading and reserves vested in it. The process has departed so significantly from what was intended through the Deed in the Operative Plan provisions that the integrity of the Jack's Point zone in the reviewed District plan requires separate zoning provision for Hanley Downs.
19. With the proposed residential expansion sought for Homestead Bay, acceptance of the submission requesting that substantial expansion would likewise require different zoning provision. While the landowners in question will not have met the obligations agreed under the Deed, the central purpose of the Deed and the approved Jacks Point zone provisions (via the decision on Variation 16) in relation to the core development at Jack's Point can still be delivered in accordance with the Deed and by retaining the objectives and policies development controls and rules that underpin what has been completed and remains to be completed in accordance with the "original vision".

## The Section 32 Evaluation Report

20. Despite the evidence of history the QLDC Section 32 Evaluation Report for the JPZ states in Section 3 The Scope of the Proposed Jacks Point Zone provisions :
- 'It also seeks to unify the three separate Structure Plans and associated provisions for Homestead Bay, Jacks Point and Hanley Downs into one set of combined provisions that manage the natural and physical resources of this area on an integrated basis.*
- It is proposed that the objective for the zone will be streamlined to comprehensively focus on the integrated activities proposed at Jacks Point.'*
21. The proposed Objective for the JPZ is :
- 'Development of an integrated community, incorporating residential living, visitor accommodation, small scale commercial activity within a framework of open space and recreation amenities.'*
22. The proposed Objective has replaced :
- "with appropriate regard for landscape and visual amenity values, servicing and public access issues."*
- with
- 'within a framework of open space and recreation amenities.'*
23. The proposed Objective is not appropriate for the Jacks Point portion of the zone where the commitment to landscape, visual amenity values, servicing and public access remain, as articulated by Mr J Darby on the Jacks Point website February 2017 and as identified in the evidence to this hearing of J Darby. The Operative District Plan objective, as in 18 above , should be retained.
24. The Section 32 report does not appear to have recognized that an essential part of integrated development of contiguous land owned by separate parties is a continuum of urban design, landscaping, open space, infrastructure ownership and operation, built form, street lighting and ? .
25. In my opinion, the Section 32 report failed in its *'Broad options considered to address issues'* section to evaluate the most obvious option which was to retain the operative provisions for Jacks Point, a largely complete zone, and create new zones to accommodate the density developments for Henley Downs that had been proposed in PC 44 and separate provisions to accommodate Homestead Bay, if the landowners submission were to be accepted. Considering only the retention of the operative provisions, deletion of the zone provisions and incorporating them into the component activity areas and the integration option adopted is a serious omission and the 32 analysis is seriously incomplete because of it.
26. This failure led the report to recommend the integration of the zones when the evidence of history was that the Operative District Plan and the Deed required integration of these 3 separate land holdings on the basis of adherence to the master planning, development controls and most importantly limitations on

development areas and the extent of residential and community development agreed to in the Deed.

27. The changes proposed to the Operative Plan are therefore largely changes that are driven by the intention to accommodate residential densities and urban form at Hanley Downs and Homestead Bay that has not ever been contemplated nor is it reflected in the near to complete residential areas of Jacks Point. The changes to the zoning provisions proposed to accommodate development in those two areas will have little or no relevance to Jacks Point excepting those few which specifically apply to the Jacks Point Village area.
28. That part of Hanley Downs already consented and marketed as Hanley Farm does not in any way reflect any of the standards applied to urban development at neighbouring Jacks Point. The form and appearance of Homestead Bay is yet to be determined but it would appear that it is equally unlikely that the Jacks Point residential community model would be replicated there were the submission of the landowners accepted.
29. The proposed changes to the Jack's Point Operative Plan provisions to accommodate what is already part consented at Hanley Downs and requested through submission for Homestead Bay should be rejected. Changes to the JPZ provisions should be restricted to those relevant to the Jacks Point Village or required to provide for additional Preserve Homesites on the open space land designated as FP – 1 and FP-2, if that were to be found appropriate.

#### **Plan Change 44**


30. Plan Change 44 (PC 44) was a private plan change promoted by the developers of Jacks Point and Hanley Downs. As notified PC 44 proposed a separate zone to accommodate the development of Hanley Downs on the basis that the proposed residential development opportunity sought was not seen as compatible with the development that had been completed at Jacks Point. That proposal was later replaced with one which incorporated the Hanley Downs development into the Jacks Point Resort Zone.
31. Plan Change 44 is largely complete but there remain unanswered questions as to how a private plan change has been accepted by council, before the decision on it was released, for inclusion in the Proposed District Plan.
32. The QLDC Section 32 report bears in large part a striking resemblance, word for word in places, to the Section 32 report compiled by the private promoters of PC 44. Given that the district plan changes are to all intents and purposes those of PC 44 that should not in itself be a surprise but the issue as to why the council sought to adopt PC 44 without a consultation process with the community of Jacks Point remains.
33. It is my understanding that the residents of Jacks Point are the only parties in the Lakes District who did not have a chance during the development of the Proposed District Plan to provide their views on the future of the zone in which they have chosen to live. Prior community consultation is a fundamental part of any large and complex planning process and the exclusion of Jacks Point residents from that is inexcusable. This appears to have occurred because it was expedient for the QLDC to adopt the principles of PC 44 and its Section 32

report rather than meet its obligations to undertake its own independent review of the zones provisions.

34. This has resulted in the Proposed District Plan containing provisions for Jacks Point that are largely irrelevant to its future development and do not in any way reflect the views of the people whose decisions to reside there have made the development a success.

#### Other Matters

35. Submissions and evidence from a wide range of parties has promoted the creation of separate entrances from State Highway 6 to Henley Downs. An entrance for Stage 1 and 2 for Hanley Downs has been consented.
36. These proposals are logical given the significant increases in residential use proposed for these two areas. If consented they will reduce the need for large internal roads and will spread the intersection load away from Maori Jack Road.
37. The creation of separate entrances further reinforces the separate identities and purposes of Jacks Point and Hanley Downs and provides another reason as to why it is desirable to provide separate zones for each of these areas. I understand the Council s42A report recommends rejecting the submission seeking expansion of development at Homestead Bay, but if that were to be approved a separate entrance would be essential.



Clive Geddes  
Jacks Point  
February 14 2017