

Statement to Hearings Panel

QLDC Proposed District Plan – Chapter 41

Submitter 195: Alexander & Jayne Schrantz

1. Background to our purchase of Lot 35, The Preserve

1.1 My wife and I have been visiting Queenstown for many years and decided to purchase property for the development of a family vacation and retirement home. After an extensive search, we purchased Lot 35 in 2012. The purchase of this property required OIO approval due to the scale of Landscape Protection Area on the lot. We made significant charitable donations for repair of Jacks Point trails and to the Queenstown library in connection with the OIO approval.

1.2 There were very specific reasons for our choice of this property:

(i) The location is remote with only a couple of residential Homesites in the immediate vicinity. Not only is it far from other Preserve Homesites, it is also far from the golf course and any public trails. It is perhaps the most remote and secluded lot in Jacks Point.

(ii) It is surrounded by Landscape Protection Areas.

(iii) The Preserve is a completed development with extremely restrictive building conditions and restrictions on further subdivision and development. Therefore, there would be no risk of surprises from unwanted development in the future.

1.3 We have already invested considerable time and money in planning for our home and we received Resource Consent for construction last year. However, we have put our plans on hold given the uncertainty of these proposed incremental developments that would irreparably damage the landscape and amenity values which were fundamental to our purchase of the property.

2. Historical context of Jacks Point zoning

2.1 We relied extensively on the written record regarding the history of Jacks Point and took great comfort from the protection afforded by the approved zoning.

2.2 During the process for Variation 16, a larger degree of development on the tablelands was considered and rejected. What is currently proposed (22 additional Homesites) is in excess of the amount that was specifically rejected under Variation 16. The intention of the QLDC was crystal clear as can be seen from the following excerpts from the hearing report and decision:

“The draft guidelines propose a cap of 50 homesites upon the tablelands. However, it is concurred with Council’s Landscape Architect that, regardless of the intent of the aforementioned guidelines, the effect of such a density (with its associated roading, curtilage, etc) on the ONL – WB has the potential to be more than minor. ...the density suggested by the 50 dwelling cap will ultimately result in domestication of the landscape.”

“With regard to the tablelands and Jacks Point, the Panel was particularly concerned that inappropriate development could potentially compromise:

- the geological, topographical and ecological value of the area;
- the visually coherent form of the tablelands, Peninsula Hill and Jacks Point;
- the landscape and visual amenity values of the landscape surrounding the Zone;
- the integrity of the Proposed District Plan, particularly when considering the District Wide Objectives and Policies; and
- the integrity of the Zone, particularly as it relates to landscape and visual amenity values.”

“...the Peninsula Hill escarpment is steep and unsuitable for development. Furthermore, the escarpment is of geological and landscape amenity value, and is appropriate to preserve for future generations to enjoy. The submitter has appropriately proposed that this area be identified as the ‘Peninsula Hill Landscape Protection Area’ and that the relevant landscape protection provisions of the Jacks Point Zone apply to that area.”

“It is the intention of the Panel that... any future development on the tablelands will be avoided.”

2.3 This intention is reflected in covenants on the titles of Lots 34 and 36 among others:

“There shall be no further subdivision... with the exception of subdivision for the purposes of boundary adjustment which does not result in the creation of any additional allotments.”

I don’t think this could be any more clear. Lots 34 and 36 are part of the completed Preserve in their entirety and covenanted against further development.

2.4 What has been proposed is a fundamental breach of the agreement reached for the development of sensitive areas of Jacks Point. The consequences of this additional development would be irreparable and unjustified damage to the landscape and amenity values of this spectacular area.

2.5 In his evidence, Mr. Darby states (13, 17) that the Hanley Downs portion of Jacks Point was not sufficiently assessed during the Variation 16 process. He suggests that we should disregard those findings in favor of the updated Coneburn Study and its more refined analysis. I disagree with this assertion. There was a multi-year process that resulted in the approval of Variation 16. The decision states:

“The submitter, in response to the Jacks Point Variation has now undertaken detailed site analysis of the Henley Downs property similar to that which forms the basis of the analysis undertaken in support of the Jacks Point development.”

- 2.6 The Jacks Point submissions make reference to the need to respond to the changing needs of the community and “completing” the development. The community may have a need for more affordable housing to be catered for in the residential areas, but with respect to the open space, tablelands and Peninsula Hill, the needs of the community are the same – protecting this spectacular landscape.
- 2.7 Mr. Darby states (27-28) that the 22 additional Homesites are the “last phase of the Preserve Homesite programme” and are “a key component for completion of the Jacks Point Master Plan.” I strongly disagree with the characterization of this additional development as having been part of the original plan. The Master Plan has never included further development of the tablelands and Peninsula Hill (Exhibits 1 and 2). Lots 34 and 36 in particular are already part of the completed Preserve and restricted from further development.

3. The PC44 and PDP processes

- 3.1 The process for consideration of these changes has been unduly burdensome on affected parties. PC44 was notified in March 2013 and was finally concluded with a recommendation from the hearing Commissioners and approval from QLDC in February 2016. The proposals also changed numerous times during that period necessitating substantial time and cost to evaluate.

- 3.2 The conclusion reached by the hearing Commissioners was very clear:

“The Tablelands provide an important element in the landscape that is visible from the roading system at Jacks Point to which the public has access (and which is therefore a public place), and provides a backdrop to existing and future development at Jacks Point and Hanley Downs. In all the circumstances, and again noting the planning history of this land including the conclusions reached in the Council’s decision on Variation 16, the Commission considers that the status quo should be maintained with respect to the planning status of the area proposed to be Activity Area FP-1 on the Tablelands.”

“The Commission finds that Peninsula Hill in its entirety is a spectacular landform that dominates views looking west along State Highway 6 and north from within the Hanley Downs and Jacks Point areas. This includes its natural fold on the southern flank and its other glacial scars. The Commission is very concerned at the proposal to bisect the feature with a development area which will, in the Commission’s view, open the door for further development to be promoted. ...The proposed division of Peninsula Hill to demarcate its internal fold as

being able to accommodate development without having any effect on the outstanding natural landscape qualities of Peninsula Hill on either side of that fold is artificial.”

“Overall, the Commission has not been persuaded that development on Peninsula Hill is appropriate. The Commission finds that Activity Area FP-2 should be rejected, and that instead the status quo should be maintained with respect to the land. Such an outcome best achieves the District Wide Objective 4.25 and those policies which are relevant to the ONL(WB). For completeness the Commission records that it is not persuaded that the Activity Area FP-2 provides a better mechanism for managing effects than the O/S provisions of the JPRZ.”

- 3.3 Mr. Ferguson’s evidence (4.15) suggests that we should disregard these findings because of concerns regarding scope in the PC44 process:

“...the decision expressed some concern with the jurisdiction of Council to make these changes within the scope of the submissions. The Commissioners preferred the process available through the District Plan Review as being the most appropriate to consider these changes.”

I believe this is inaccurate. The Commission was only concerned with scope in relation to the EIC. The Commissioners did not in any way defer consideration on the matter of additional development on the tablelands and Peninsula Hill. Their views were well considered and unequivocal.

- 3.4 As part of the their overall assessment of PC44, the decision by the Commissioners in fact imposed additional restrictions on development in the Hanley Downs area by, for example, making all building non-complying within the Peninsula Hill Landscape Protection Area, the Lake Shore Landscape Protection Area and the Tablelands.
- 3.5 It is indeed unfortunate that Chapter 41 of the PDP was notified prior to the conclusion of PC44 based on private proposals that were subsequently rejected in the PC44 process. So we are now forced to spend more time and money rehashing the same fundamental issues. Absolutely nothing presented during this process has changed the facts to be considered regarding development on the tablelands and Peninsula Hill. It is hard to see how this hearing panel or the QLDC could reasonably come to a different conclusion now.

4. Merits of the proposed development

- 4.1 The proposed addition of 22 Homesites represents more than the excessive development that was rejected by QLDC in the original zoning of Jacks Point.
- 4.2 Mr. Ferguson's evidence (4.35) describes this additional development as "some limited opportunities for residential and/or visitor accommodation." I believe this is an inaccurate description. The proposal is actually a 60% increase to the currently approved development in this area (even higher depending on your assumptions about Homesite 57 and 58, which are considerably larger).
- 4.3 The proposal to allow Homesites to cater for visitor accommodation is especially objectionable and completely out of keeping with the existing Preserve development. Homesites in the Preserve are restricted to residential activity only. In fact, the JPROA has stated in the past that it was the intention for all visitor accommodation in Jacks Point to be located in the Village and Lodge areas and not the residential areas (including The Preserve).
- 4.4 The proposed Homesites 37, 38, 39 and 57 are located on the existing Preserve Lots 34 and 36, which are subject to the QLDC covenant disallowing further subdivision. These lots are already part of the completed Preserve. There is nothing unique about Lots 34 and 36 that suggest they were entitled to be developed differently than the rest of the Preserve lots.
- 4.5 Homesite 57 is particularly objectionable. It would appear to accommodate a significant size hotel. I would like to point out that I think the photographic evidence provided (#7 in Ms. Pfluger's evidence) is quite misleading regarding this site. The photo is taken at a significant distance from the proposed Homesite. I estimate that the western/lakeside edge of the proposed Homesite is nearly 500 meters from that location and much more prominent. In any case, for clarity our position is that development anywhere on Peninsula Hill is highly inappropriate.
- 4.6 The question remains, why is any of this a better outcome than the existing zoning, which is highly protective of the landscape? The so-called merits presented are extremely weak when assessed against the substantial concerns. The operative zoning has different types of open space. G and O/P are for outdoor recreation and open space. The O/S zoning is for pastoral and arable farming and endemic revegetation only, not recreation or golf. This covers the whole of the tablelands, Peninsula Hill and the Lake Shore Landscape Protection Area. It is indeed the core of the 95% "protected" open space that Jacks Point committed to and was viewed as completely suitable for the sustainable management of the land. It was not a temporary solution waiting for further development.

- 4.7 The development of 22 additional Homesites in this open space is presented as an improvement in the management of the land in part because it purports to assure a certainty of outcome and no further development. And yet, this proposal is itself violating that same prior assurance that there would be no further development on the tablelands, in particular in respect of the existing Preserve, inclusive of Lots 34 and 36.
- 4.8 In summary, the proposal for an additional 22 Homesites represents a fundamental breach of the agreement reached for the development of Jacks Point and disregards the clear intentions for the area. The Jacks Point and Henley Downs land owners agreed to this zoning, which formed the basis for the development of the Jacks Point Zone in its entirety. These proposed changes are not minor in that they:
- (i) seek additional 60%+ development in the tablelands / Peninsula Hill where further development was clearly not intended;
 - (ii) will degrade through cumulative effects the areas that were to be maintained as open space (O/S) for pastoral and arable farming only;
 - (iii) seek to develop visitor accommodation where none was anticipated (the current Preserve Homesites are zoned for residential only, not visitor accommodation); and
 - (iv) seek to develop Peninsula Hill, which was in its entirety rigorously protected from inappropriate development.

5. Change in the location of the Stragglers Loop trail

- 5.1 I am very supportive of public access and public trails. I am an avid user of the trails and even donated money for the improvement of the Jacks Point trails. However, we purchased a lot in a completed development with an existing extensive trail network clearly identified.
- 5.2 The current proposal seeks to relocate what was originally planned as Stragglers Loop, running across Peninsula Hill and connecting to the Lakeside Trail, to a location immediately alongside the border of our lot (Exhibit 3). This trail could be anticipated to have significant usage when Jacks Point reaches a population of 10,000. It's unreasonable and unnecessary to be changing this now. The original trail location should be maintained and completed as promised.

6. Other chapters of the PDP

6.1 We also request that the Commissioners ensure that the intentions of Chapter 41 are not undermined by other chapters of the PDP, such as Chapter 27 Subdivision.

Sincerely,

Alexander & Jayne Schrantz

Exhibits

1. The Jacks Point Zone Composite Master Development Plan
2. Henley Downs Master Development Plan
3. Jacks Point Trail Map

The Jacks Point Zone

Composite Plan



PROPERTY SCHEDULE

R(HD)1	95
R(HD)2	88
R(HD)3	106
R(HD)4	69
TABLELANDS HOMESITES (HS)	18



henley downs
MASTER DEVELOPMENT PLAN

Scale 1:4000(A0), 1:5000 (A1), 1:10,000 (A3)

MDP-RevB, 4 December 2008

REVISION:
B(ODP)



LAKE WAKATIPU

TO KELVIN HEIGHTS/QUEENSTOWN

Jack's Point Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Medium to Hard

Beware - Steep Cliff

BEACH ACCESS

Lakeside Trail
 WALKING TIME | 1.5 - 2 Hours to Kelvin Heights
 GRADE | Easy

Preserve Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Medium

EASIEST WAY TO CLUBHOUSE BY BIKE

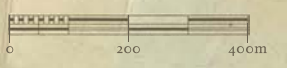
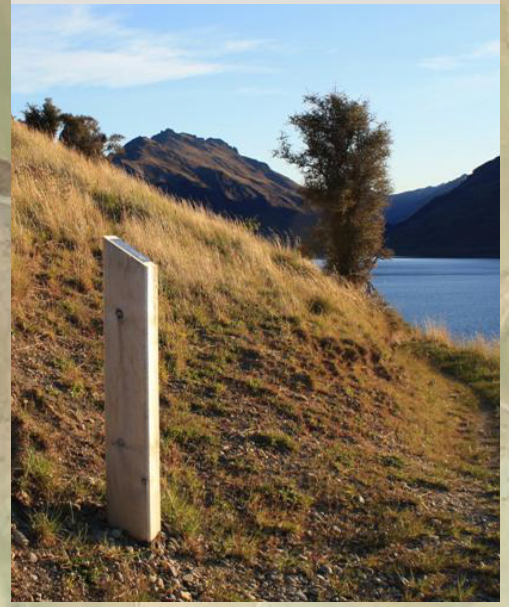
Stragglers Loop
 WALKING TIME | 3 - 4 Hours
 GRADE | Medium

Opening late Summer 10

Lake Tewa Loop
 WALKING TIME | 25 Minutes
 GRADE | Easy

Remarkables Loop
 WALKING TIME | 1.5 - 2 Hours
 GRADE | Easy

TRAIL BOLLARDS



MAP KEY

- MOUNTAIN BIKING
- WALKING
- DOGS ON LEASH
- WATCH FOR GOLFERS
- TRAIL BOLLARDS
- LOOKOUT
- PICNIC AREA
- POINT OF INTEREST
- PARKING
- FENCE LINE

