

29 June 2015

Queenstown Lakes District Council

Re: Plan Change 44

Submitted by e-mail to: julia.chalmers@qldc.govt.nz

We write in relation to the Plan Change 44 hearing scheduled for 1-3 July 2015. We are the owners of Lot 35 in The Preserve at Jacks Point. We have received DRB approval for our home and we plan to start construction before year-end. We made a prior submission on 30 April 2013.

In summary, our submission is:

1. Key points of the proposed PC44 have been unclear with respect to land adjoining our lot. In addition, the significant changes to the notified PC44 (February 2013) and the short period to the reconvened hearing have provided insufficient time for us to consider certain aspects of PC44
2. Request that the Council make no changes to the current Open Space and Landscape Protection Areas in the tablelands, which were a fundamental component in the creation of the Jacks Point Zone. Additional development in this area essentially overturns the extensive consideration given to this matter in connection with Variation 16, the conclusion of which was to strictly limit development in the tablelands to 36 highly restricted homesites in The Preserve
3. Request that the Council make no changes to the zoning of Lot 34 and Lot 36 in The Preserve, which are immediately adjacent to our lot. Even if Council proceeds with the proposed FP-1 and FP-2 or other development within the tablelands, these areas should not extend into Lot 34 and Lot 36, which should remain outside the Hanley Downs Zone and should provide for no additional development. These lots are subject to a QLDC consent notice condition that prohibits any further development. This was a fundamental component in the creation of the Jacks Point Zone and a predominant factor in our purchase of the adjoining Lot 35
4. Request that the Council not accept the proposed public access route that has been indicated immediately adjacent to our lot. One of the original Jacks Point trails, Stragglers Loop, should be utilized for this purpose. Any public access route through The Preserve should be at a substantial distance from the homesites
5. Request that the Council require that wastewater be addressed through pumping to QLDC infrastructure and that the land adjacent to our lot not be used for wastewater discharge

1. Lack of clarity in PC 44 and insufficient time to fully consider changes

The notified plan (February 2013) had no development adjacent to our lot. Therefore, our first submission in April 2013 only addressed concerns with the proposed ACRAA and changes to the Open Space.

RCL's submission on its own plan in April 2013 identified a new Area L for development. However, the information provided lacked clarity in terms of its location (see attached). We were unaware that the proposed development was on Lot 34/36 until reading the Planner's Report in September 2013. We prepared a submission to be made at the original hearing in November 2013, but the hearing was postponed and we did not make a submission at the time due to the lack of clarity about the future of PC44.

The revised plan (May 2015), has now introduced FP-1 and FP-2, one or both of which may overlap with the previously proposed Area L, and creates even greater uncertainty as to the possible development near our lot.

While we believe the merit of our requested decisions are sufficiently clear, we have not had the opportunity to seek expert advice on other factors that may be relevant given the short time between the plan revisions and the hearing.

2. No changes to Open Space and Landscape Protection Areas in the tablelands

The notified plan and its subsequent revisions provide for significant additional development on the tablelands. We believe this is dramatically out of keeping with the clear intention of the Jacks Point Zone, which was thoroughly debated over a number of years.

When Variation 16 was originally proposed for the creation of the Jacks Point Zone, there was proposed to be substantially greater development of the tablelands. The Council determined that this was inappropriate and decided to limit development to 36 homesites with highly restrictive building conditions.

From the Report for Variation No 16 (10 March 2002):

"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:

"... there is the potential for development located within the proposed residential and Lodge areas on the tablelands and Jacks Point to have adverse visual effects when viewed from this road [State Highway 6], from the Lake and surrounding landscape.

... the density suggested by the 50 dwelling cap will ultimately result in domestication of the landscape."

From the QLDC Decision (15 August 2003):

“As notified, the Jacks Point Zone allowed for large scale development to occur on the tablelands and Jacks Point as a controlled activity. Submissions to the Variation, along with the relevant Planner’s Report, raised significant concerns in regard to development on the tablelands and Jacks Point, which have been categorised by the Environment Court as forming part of the Outstanding Natural Landscape – Wakatipu Basin (ONL-WB) and Visual Amenity Landscape (VAL). In response to those submissions and the Planner’s Report, Jacks Point Limited presented to the Panel amendments to the Jacks Point Zone Structure Plan and Zone provisions, showing significantly less development than originally proposed.

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

- the geological, topographical and ecological values 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.”

“Due to their high ecological, landscape and visual amenity values, the tablelands are a sensitive area that will require a suitably subservient response in terms of design and controls if development is to be successfully absorbed. And even then development must be limited and assist in protecting and enhancing those values associated with the tablelands.

A Homesite Activity Area is a predesignated area within an allotment. Within the allotment, all built improvements, except access, underground services and waste water disposal systems, must be located entirely within the Homesite boundaries. Within the Jacks Point Zone 36 Homesite Activity Areas, each between 2,400m² and 2,900m², have been identified on the tablelands.”

There was also consideration given to a proposal for further development on the tablelands, in addition to the 36 homesites, as a restricted discretionary activity. The Council specifically rejected this proposal.

From the QLDC Decision (15 August 2003):

“Proposed Amendment: An additional restricted discretionary activity area for any buildings within a Tableland Residential Activity Area above that maximum number of 18 or outside a specified homesite.

Appropriateness: Such a provision is considered inappropriate, as development in excess of 18 residential units will potentially lead to the degradation of the landscape and amenity values associated with the tablelands. It is the intention of the Panel that, other than 18 residential units, any future development on the tablelands will be avoided.” (*emphasis added*)

(Note: The text refers to 18 residential units in relation to the Jacks Point portion of the Zone while a further 18 residential units are in the Henley Downs portion of the Zone as it was described at the time of Variation 16.)

We believe it was the clear intention from the Council Decision, after extensive consideration of Variation 16 over several years, that there should never be further development within the tablelands.

3. No changes to Lot 34 and Lot 36

In addition to the points above regarding development in the tablelands generally, we have particular concern with any changes to Lot 34 and Lot 36 that would allow for any development beyond the single homesite identified on each lot. This was the clear intention of Council in the establishment of the Jacks Point Zone. This is reflected in the consent notice registered against the titles to Lot 34 and Lot 36:

Condition K: “there shall be no further subdivision of lot 19, 20, 23, 25 and 29-36 with the exception of subdivision for the purposes of boundary adjustment which does not result in the creation of any additional lots.”

This consent appears on the title in connection with the subdivision in 2008 and was a predominant factor in our consideration of purchasing the adjacent Lot 35 in 2012.

Furthermore, we note from the landscape report in relation to the proposed Area L (as proposed by RCL in its April 2013 submission): “Development within this area as proposed would have a significant adverse effect on the amenity of the adjacent home sites 34, 35, and 36.”

While we have noted the recommendations in the landscape report and Planner’s Report that a single additional homesite could be added (H₃₇) subject to all of the restrictions in The Preserve, we believe that this would still be adverse to the amenity of our lot. We request that the Council uphold the clear intent of Variation 16 and the QLDC consent notice that prevents any further development of these lots.

4. Location of public access route not in the vicinity of Lot 35

The revised plan (May 2015) indicates a public access route immediately adjacent to our lot. Jacks Point already provides for significant public access and it is unreasonable for this additional route to be subsequently added in this location. We believe this would have a significant adverse effect on the amenity of our lot. A significant factor in our purchase of the lot was its remote location, away from both the golf course itself and public access routes. Any public access route through The Preserve should be at a substantial distance from the homesites. One of the original Jacks Point trails, Stragglers Loop, may be suitable for this purpose (see attached). It was located at the north end of Lot 36, a substantial distance from our lot.

5. Wastewater

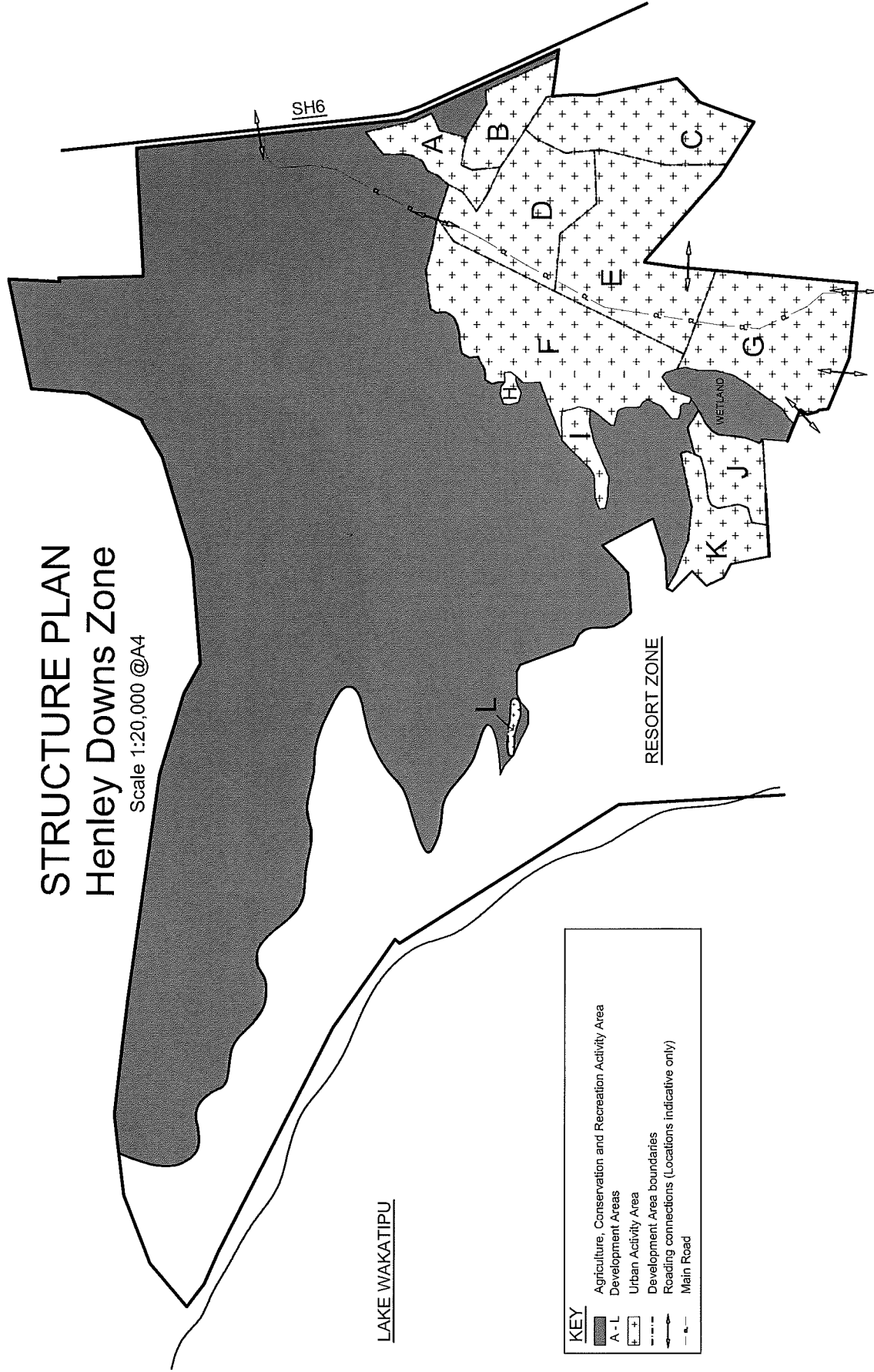
We request that the Council require that wastewater be addressed through pumping to QLDC infrastructure and that the land adjacent to our lot not be used for wastewater discharge.

Sincerely,

Alexander Schrantz and Jayne Schrantz

STRUCTURE PLAN Henley Downs Zone

Scale 1:20,000 @A4



KEY	
	Agriculture, Conservation and Recreation Activity Area
	Development Areas
	A-L
	Urban Activity Area
	Development Area boundaries
	Roading connections (Locations indicative only)
	Main Road



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)

DAVID J. PETERSON LIMITED
100 The Old Government Buildings
100-102 Main Street, Dunedin 9012



LAKE WAKATIPU

BEACH ACCESS

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

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

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

Opening late Summer '10

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

Lake Teawa Loop
WALKING TIME | 25 Minutes
GRADE | Easy

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

TRAIL BOLLARDS



MAP KEY

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



jack's point®
TRAILS MAP