

- Note:**
1. Intersection layout to be in accordance with TNZ/LTSA Manual of Traffic Signs and Markings Part 2 - Markings Figure 3.25 "Markings for Right Turn Bays - Rural" and Figure 3.20 "Markings for Left Turn Bays - Flush Traffic Islands"
  2. Intersection pavement to be designed and constructed in accordance with relevant TNZ specifications
  3. Intersection signs, pavement markings and RCPMs to be established in accordance with TNZ/LTSA Manual of Traffic Signs and Markings
  4. Prior to any physical works occurring within the State Highway corridor an "Agreement as to work on the State Highway" will need to be entered into with the relevant party undertaking the works
  5. Intersection flag lighting (2-3 lanterns) to be installed in accordance with TNZ specification and AS/NZS 1158
  6. Any land required to achieve this layout would need to be vested as State Highway at the time of subdivision and shown on the face of the scheme plan
  7. Median island to be constructed using mountable kerb and solid fill
  8. Intersection layout and islands to be designed to facilitate swept path of four coach using 15m radius turn

**Figure 4 – Jacks Point Zone:**  
Transit Approved Intersection Design

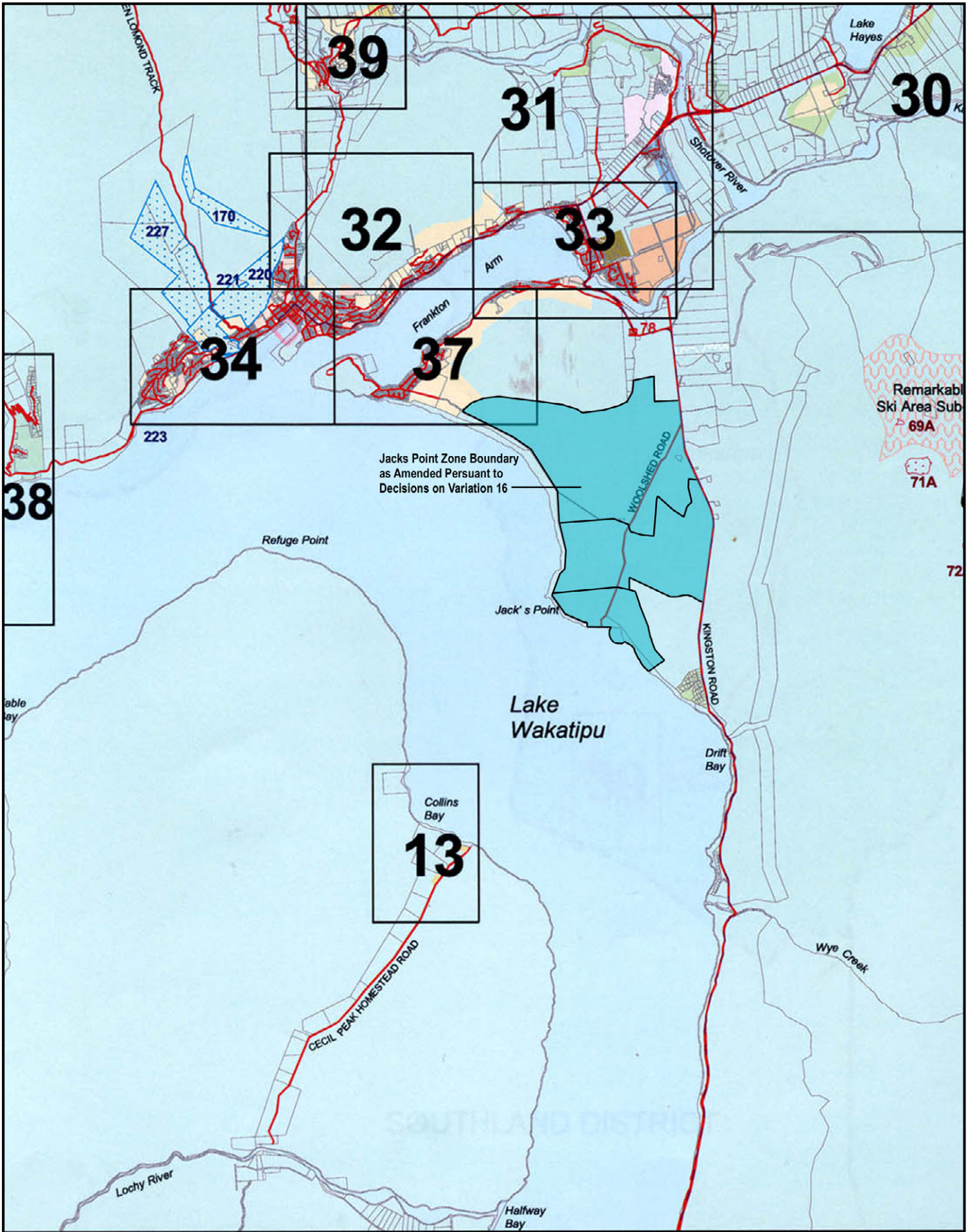
Jacks Point, SH6 Frankton

ISSUE DATE	CHK.	REVISION

TRAFFIC DESIGN GROUP

DATE ISSUED: JUL 2003  
SCALE: 1:1000

DRAWING NO: ACAD-5309-2C3C



# Queenstown Lakes District Council

PROPOSED DISTRICT PLAN MAP No.13

# 12

Resort Zones – Shotover, Millbrook, Jacks Point and Waterfall Park

Rural Visitor Zones – Cecil Peak, Walter Peak, Cardrona, Blanket Bay, Arthurs Point, Arcadia Station and Windermere

Penrith Park Zone

Bendemere Zone

Remarkables Park Zone

## Introduction

There are areas within the district, which require special zones. These are resort zones, visitor zones and three residential zones.

## 12.1 Resort Zones

### 12.1.1 Resources and Activities

#### i Shotover Resort

The Council recognises the potential of the Shotover Resort to contribute to a demand for rural residential living in a sustainable manner which conserves and enhances amenity and rural character. The zoning provides for a nine-hole golf course and a range of passive and active recreation facilities. It encourages the compatibility of recreational and residential uses and provides facilities which contribute to the social amenities of the residential areas. It also has the potential to contribute to the visitor industry and economic development of the District. Given the visibility of the area it is appropriate to enable such activities by way of a special zone.

#### ii Millbrook Resort and Jacks Point Resort

The Council recognises the potential of the Millbrook Resort and Jacks Point Resort to contribute to visitor and economic development within the District. This will arise from increased employment and visitor activity generated by the resort. Both resorts provide for two golf courses each and a range of outdoor and indoor sporting and recreational activities. In Millbrook Resort hotel and other visitor accommodation exist along with support facilities and services. Similar developments are proposed for Jacks Point. The Resort zone recognises the special amenities of the rural area in which the development is located and provides for the on-going implementation of the activities of the resort.

#### iii Waterfall Park Resort

Waterfall Park is an established visitor facility, the main feature being the spectacular waterfall located in Mill Creek which flows through the centre of the property, and it provides outdoor recreation, entertainment areas and a restaurant. Given the importance of visitor industry to the District's economy, it is important to enable Waterfall Park to further develop and to provide a range of facilities.

## 12.1.2 Values

### i Shotover Resort

The site lies within a high quality environment situated above the Lower Shotover River, with significant scenic values and wide open spaces, which development must take into account. Development can be carried out in a manner which conserves and enhances the important scenic and natural values of the area .

### ii Millbrook Resort

The site contains four elements, which contribute to amenity and importance of the zone.

Firstly, the zone site is located within the Wakatipu Basin formation surrounded by an outstanding mountain landscape. Within the Basin glacial outwash gravels have created a contrasting landscape of rolling lowland hills, terraces and lakes.

Secondly, the site was one of the earliest developed farms in the District. The property was settled by the Butel family (origin France) who came to the area during the Arrowtown goldrush in the early 1860s. Instead of mining they set up a wheat farm and flour mill operation to provide for the rapidly expanding Arrowtown population. The original stone buildings housing the mill, stables, implement shed and blacksmith shop still remain, and many of the original implements and machinery are still on the property.

Thirdly, the site has been maintained in a high quality sward of pasture grasses. A large number of mature trees exist on the site, many of which date back to the first settlers. The tree species are predominantly European deciduous hardwoods including oaks, maples and walnuts. These mature trees give the farm an outstanding parkland character.

Finally, the site lies within a high quality environment in terms of its scenic, visual and climatic values, clean air and open vistas.

### iii Waterfall Park Resort

The site lies within a high quality scenic environment adjacent to the Millbrook Resort Zone. Waterfall Park is unique to the District in that it is a visitor attraction resulting from a naturally occurring geological feature. The existing recreational areas and amphitheatre are located adjacent to the waterfall and continue along part of Mill Creek. The restaurant facility, reception area and car park are located on the north eastern boundary looking out on the waterfall and recreational areas.

### iv Jacks Point Resort

Jacks Point Resort is situated in the basin floor, surrounded by the outstanding natural landscape of *The Remarkables* range, Peninsula Hill and Lake Wakatipu.

The proposed zone has a varying landform across the site, comprising hummocky to channelled topography in the east by Kingston Road, a central valley which is flat to slightly undulating and an elevated schist ridge adjacent to Lake Wakatipu, the highest point of which is known as Jacks Point.

It is this variable topography and the resulting low visibility from surrounding areas that lead to a report commissioned by the Council in 1993 to identify a large portion of the site as being suitable for future development. As the site has been in pastoral management for many decades, there is little remnant native vegetation, except on the steep bluff dropping off into Lake Wakatipu. Most tree or shrub vegetation is in the form of recently planted as well as mature shelterbelts and the ever present briar and Matagouri.

### **12.1.3 Resource Management Issues**

#### **i Provision of Essential Services**

Development may result in a considerable number of persons residing within the Zones, either as visitors or permanent residents. The provision of adequate sewage disposal, water supply and refuse disposal services is important in terms of ensuring the protection of ground water quality.

#### **ii Visual Amenities**

Development in the Zones must take into account potential conflict with nearby activities, with the productive use of adjoining rural land and the need to protect visual amenity of the environment because of their location.

Jacks Point has particular landscape and visual amenity issues due to its visibility from Lake Wakatipu, State Highway 6 (a scenic rural road) and adjoining mountain peaks. The surrounding land features, such as *The Remarkables*, Peninsula Hill, and Lake Wakatipu are all regarded as having outstanding natural qualities in terms of section 6(a) of the Resource Management Act and it is important that any development in this location is considered in relation to those qualities.

#### **iii Traffic Safety and Access**

Protection of the road network from activities which reduce safety and efficiency is desirable.

#### **iv Pollution of Lake Hayes and Mill Creek (Millbrook and Waterfall Park Resorts)**

Lake Hayes is a shallow water body with a depth of 33 m. Nutrients entering the lake from its catchment are high, arising from numerous limestone outcrops which are easily eroded and readily transported by water run-off. Grazing of stock comprises the major land use within the catchment and continual topdressing and other nutrient enrichment of pastures has meant run-off-entering watercourses is excessively high in phosphate and nitrate levels. This is particularly the case with Mill Creek.

#### **v Historical Character (Millbrook Resort)**

The site contains a unique history. The remaining large trees, grassed slopes and the historic design of the buildings is an important element in preserving the special value of Millbrook for the enjoyment of present and future residents and visitors.

#### **vi Natural Character (Waterfall Park Resort)**

The site contains a unique natural feature. The quality of the development is an important element in the preservation and enhancement of the waterfall for the enjoyment of present and future residents and visitors.

## **vii Public Access (Jacks Point Resort)**

Jacks Point is the only resort zone that adjoins a major natural lake. Public access to and along lakes are a matter of national importance in achieving the purpose of the Act. Significant opportunity exists through the development of this zone to enhance public access to the shores of Lake Wakatipu.

### **12.1.4 Objectives and Policies**

#### **Objective 1 – Shotover Resort Zone**

**Development of rural residential living for permanent residents and visitors, in combination with recreational activities and visitor facilities.**

**Conserving and enhancing the physical and scenic values of the area and its setting.**

**Servicing to avoid adverse effects on the landscape, lakes, rivers and ecological values.**

#### **Policies:**

- 1.1 *To ensure development is carried out in a comprehensive manner in terms of an appropriate strategy and activities are compatibly located.*
- 1.2 *To ensure buildings and other structures are appropriate to the area with regard to external appearance.*
- 1.3 *To identify activities which are appropriate.*
- 1.4 *To avoid, remedy or mitigate adverse effects of uses, activities, buildings and structures to ensure a reasonable standard of amenity.*
- 1.5 *To ensure sewage disposal, water supply and refuse disposal services are provided which avoid, remedy or mitigate adverse effects on the water or other environmental qualities, on and off the site.*

#### **Implementation Methods**

The objectives and associated policies will be implemented through:

- (i) **District Plan**
  - (a) Rules relating to the location of activities, building external appearance, parking, air emission, and the provision of essential services.

## **Explanation and Principal Reasons for Adoption**

Residential living will be enabled, together with a range of active and passive recreational activities and social facilities. The focus of the recreational activities will be the golf course and equestrian centre, and development is to complement these.

To ensure development takes place in an integrated manner the Council considers it appropriate to include a Structure Plan. Minor amendments may be considered by the Council through the resource consent procedure.

The desirability of enabling a range of building design types has been recognised. It is important that design is compatible with the objectives of the Zone and avoids, remedies or mitigates adverse effects on adjoining areas.

The establishment of services is necessary and should include roads, car parks, dams and other structures.

A broad range of activities is permitted including recreational activities, residential living, and facilities which contribute to social amenities. Given the special nature of the Zone, any activities involving buildings and other structures need to be assessed in terms of the location and style of development.

It is recognised that some activities may have the potential to adversely impact on amenities and character and it is considered necessary to assess such proposals as discretionary activities.

### **Objective 2 Millbrook Resort Zone**

**Visitor, residential and recreation activities developed in an integrated manner with regard for landscape, heritage, ecological, water and air quality values and minimal impact on adjoining neighbours and roads.**

#### Policies:

- 2.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
- 2.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
- 2.3 *To require the external appearance of buildings to have regard to landscape and heritage values of the site.*
- 2.4 *To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to minimise the impact on neighbouring activities, the road network and the landscape amenity of the Basin.*
- 2.5 *To protect and enhance the important heritage features on the site, particularly the original farm buildings and tree plantings.*
- 2.6 *To require adequate on-site car parking.*

2.7 *To control air emissions for visual amenity purposes.*

2.8 *To control the take-off and landing of aircraft.*

### **Implementation Methods**

The objective and associated policies will be implemented through a number of methods including:

(i) **District Plan**

- (a) Rules relating to the location of activities, external appearance, parking, air emission, helicopter activities and the provision of essential services.
- (b) Controls on development to protect the catchment of Mill Creek and Lake Hayes.
- (c) District Plan rules to protect the important heritage features on the site.

(ii) **Other Methods**

- (a) Encourage a reduction in the use of fertiliser in the catchment.
- (b) Encourage the establishment of planted stream bank buffer strips with stock excluded.
- (c) Encouraging the re-establishing wetlands and ponds in Mill Creek.
- (d) Controlling the discharge of pollutants that can enter Lake Hayes.

### **Explanation and Principal Reasons for Adoption**

The Council considers that development within the Zone should recognise the particular nutrient enrichment problems associated with Mill Creek and Lake Hayes. In order to achieve this objective the Council has not provided for farming uses within the Zone.

The Council and Millbrook have an agreement whereby Millbrook have paid a contribution toward connection to the Arrowtown Lower Shotover Treatment Plant pipeline.

Millbrook has also contributed to the upgrading of the Arrowtown Water Scheme to enable that scheme to supply Millbrook's anticipated fully developed potable water requirements. The Council has supplied water to the boundary of the zone as part of that agreement.

The operators of the complex will also be required to deposit all refuse at a Council approved landfill.



Full development of the Zone will extend into the next century. A comprehensive range of sporting, leisure and visitor activities can be undertaken within the Zone together with conference, commercial, hotel and other residential uses. The focus of the sporting activities will be the golf courses with the provision of other activities and residential use linked to this. The central area of the Zone will be comprised of the Millbrook Village, on the periphery of which will be other recreational activities and clusters of residential dwellings of different types.

In order to facilitate the staged development within the Zone the Council believes a Structure Plan, which recognises the activities, character and amenities of the Zone and the area, is essential. The purpose of the Structure Plan is to provide for and enhance the amenities of the area and ameliorate any adverse effects of development.

To ensure the special amenities of the Zone and the outstanding character of the surrounding landscape are protected, buildings will require consent in terms of their external appearance. The assessment matters are directed at ensuring and enhancing the special character of the particular activity sections within the Zone as defined by the Structure Plan.

An extensive number of mature trees are established on the Millbrook site many dating back to the first settlers. These mature trees give the farm a parkland character.

The Wakatipu Basin including Arrowtown and Frankton provide the living environment for a significant number of the District's residents. As such it is important to protect the air clarity and quality of the basin as well as minimise noise impact from aircraft on surrounding living environments.

### **Objective 3 – Waterfall Park Resort Zone**

**Development of visitor, residential and recreational facilities for permanent residents and visitors.**

**Conserving and enhancing the natural and scenic values contained within the property and it's setting.**

**Developing and servicing the property to avoid adverse effects on the landscape, Mill Creek and ecological values.**

#### Policies:

- 3.1 *To reduce nutrient levels and other pollutants generally and within Mill Creek and to improve and protect the water quality of Lake Hayes.*
- 3.2 *To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental qualities on or off the site.*
- 3.3 *To ensure buildings and other structures erected within the zone are appropriate to the area in which they are located, with regard to external appearance.*
- 3.4 *To require all development to be located in accordance with the Structure Plan.*

- 3.5 *To protect and enhance the important natural feature on the site.*
- 3.6 *To require adequate on-site vehicle parking and manoeuvring.*
- 3.7 *To control air emissions for visual amenity purposes.*
- 3.8 *To protect and enhance Mill Creek as an important brown trout spawning habitat.*

#### **Implementation Methods**

The objective and associated policies will be implemented through a number of methods including:

##### **(i) District Plan**

- (a) Rules relating to the location of activities, external appearance of buildings, parking, air emission and the provision of essential services.
- (b) Controls on development to protect the catchment of Mill Creek and Lake Hayes.
- (c) District Plan rules to protect the important natural features on the site.

##### **(ii) Other Methods**

- (a) Encourage a reduction in the use of fertiliser in the catchment.
- (b) Encourage the establishment of planted stream bank buffer strips with stock excluded.
- (c) Encourage the re-establishing wetlands and ponds in Mill Creek.
- (d) Controlling the discharge of pollutants that can enter Lake Hayes.

#### **Explanation and Principal Reasons for Adoption**

The Council considers development within the zone should recognise the particular nutrient enrichment problems associated with Mill Creek and Lake Hayes. In order to achieve this objective the Council has not provided for farming uses within the zone.

Water supply for development in the zone will be provided from a connection to a Council owned and operated reticulated water supply, should a connection be made between the Arrowtown and Lake Hayes Council owned water supply system. Alternatively, a community owned water supply for the zone will be developed from a suitable internal water source such as a bore within the zone.

Sewage effluent from development within the zone will be discharged into a Council owned and operated reticulated sewage treatment and disposal system if available. Alternatively, on-site disposal of treated waste which provides for measures to prevent contamination and nutrient loadings in the Mill Creek catchment is considered appropriate. Such treatment and disposal options within the Zone would be required to be operated as a community owned facility.

Waste and refuse generated within the Zone will be required to be deposited at a Council approved landfill site. Such sites are prohibited within the zone.

A Structure Plan is included as part of the Zone to ensure development proceeds in an integrated manner. The purpose of the Structure Plan is to provide for and enhance the amenities of the area and ameliorate any adverse effects of development. Minor amendments to the Structure Plan will be considered by the Council through the resource consent procedure.

To ensure the special amenities of the Zone and the surrounding landscape are protected, buildings will require consent in terms of their external appearance. The assessment matters are directed at ensuring and enhancing the special character of the particular activities permitted within the Zone as identified by the Structure Plan.

#### **Objective 4 – Jacks Point Resort Zone**

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

##### Policies:

- 4.1 To maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.
- 4.2 To ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not impact on water or other environmental values on or off the site.
- 4.3 To require the external appearance of buildings to have regard to the landscape values of the site.
- 4.4 To require development to be located in accordance with a Structure Plan to ensure the compatibility of activities and to mitigate the impact on neighbouring activities, the road network and landscape values.
- 4.5 To control the take-off and landing of aircraft within the zone.
- 4.6 To provide public access from the State Highway to the lake foreshore.

#### **Implementation Methods**

The objective and associated policies will be implemented through a number of methods including:

- (i) **District Plan**

- (a) Adherence to a structure plan to ensure comprehensive and integrated development within the zone.
- (b) Rules assigned to avoid, remedy or mitigate the effects of use and development of land.

**(ii) Other Methods**

- (a) Design covenants in respect of buildings and landscaping.

**Explanation and Principal Reasons for Adoption**

The purpose of the Jacks Point Structure Plan is twofold. The first purpose is to identify activity areas in which development is appropriately managed. The second purpose is to ensure the long term comprehensive and integrated management of the zone. The Structure Plan forms part of the District Plan and any amendment to it requires a Plan Change. Deviations to the Structure Plan can be made through the resource consent process, the significance of the deviation determining the status of the resource consent application (ie. controlled, discretionary or non-complying).

The protection of visual amenity and landscape values are of critical importance in the development of the zone and it's successful integration into the wider outstanding natural landscape. This is achieved in part through the Structure Plan and in part through the external appearance, bulk and location of buildings constructed within the zone.

Water supply for development in the zone is proposed to be provided from either a bore within the zone or extracted from Lake Wakatipu. Both methods will result in an uncontaminated plentiful supply.

Sewage effluent from development within the zone is proposed to be discharged on-site through a high quality treatment method that provides for measures to prevent contamination and nutrient loadings into Lake Wakatipu. Waste and refuse generated within the Zone is required to be deposited at a Council approved landfill site.

### 12.1.5 Environmental Results Anticipated

- i The following environmental results are anticipated in the Shotover, Millbrook and Jacks Point Resorts:
  - (a) Preservation of the open space and rural amenity.
  - (b) Preservation and enhancement of the recreational facilities while conserving the key physical and scenic values of the area namely:
    - i recognition of the predominant land forms surrounding the site particularly the peaks and mountain ranges.
    - ii recognition and enhancement of the important vegetation on the site.
    - iii recognition and enhancement of the important natural and visual resources that dominate the site.
  - (c) Provision of a range of accommodation facilities while ensuring the quality of the local environment is maintained.
  - (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
  - (e) Ensuring traffic safety on local roads and State Highway 6.
  - (f) Maintenance and enhancement of the water quality of Mill Creek and Lake Hayes.
  - (g) Resorts at Millbrook and Jacks Point which complement the rural and alpine environment of the Wakatipu Basin in both design and general visual appearance.
  - (h) Achieving public access to the lake foreshore from State Highway 6 (Jacks Point).
- ii The following environmental results are anticipated in Waterfall Park Resort:
  - (a) Preservation and enhancement of the amenity values of the waterfall and Mill Creek which dominate the site and provide its scenic and visual values.
  - (b) Provision of a range of passive recreational activities, open space, residences and resort services in positions which ensure that the quality of the environment is maintained.
  - (c) Development of a resort which complements the natural features of the site in terms of design and visual appearance.
  - (d) Exclusion or mitigation of activities which cause adverse environmental effects through the use of performance standards.
  - (e) Preservation and enhancement of Mill Creek as a spawning bed for brown trout.

## 12.2 Resort Zone Rules

### 12.2.1 Zone Purposes

The purpose of the Shotover Resort Zone is to enable residential living and a range of passive and active recreation facilities.

The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality covering approximately 200ha of land near Arrowtown. Millbrook provides for recreational, commercial, residential and visitor activities and the general amenity of the Zone is one of higher density development enclaves located in the open rural countryside with well landscaped grounds. The Zone provides for golf courses and a range of other outdoor and indoor sporting and recreational activities. Hotel and residential accommodation are provided for, together with support facilities and services.

The purpose of the Waterfall Park Resort Zone is to provide for open space and passive recreational activities in conjunction with residential, visitor accommodation and commercial activities in a high amenity environment.

The purpose of the Jacks Point Zone is to provide for a high quality destination golf resort covering approximately 415ha of land between the Remarkables and Lake Wakatipu. The zoning anticipates two 18-hole championship golf courses, a luxury lodge, and a variety of residential activities.

### 12.2.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter.

(i)	<b>Heritage Protection</b>	-	<b>Refer Part 13</b>
(ii)	<b>Transport</b>	-	<b>Refer Part 14</b>
(iii)	<b>Subdivision, Development and Financial Contributions</b>	-	<b>Refer Part 15</b>
(iv)	<b>Hazardous Substances</b>	-	<b>Refer Part 16</b>
(v)	<b>Utilities</b>	-	<b>Refer Part 17</b>
(vi)	<b>Signs</b>	-	<b>Refer Part 18</b>
(vii)	<b>Relocated Buildings and Temporary Activities</b>	-	<b>Refer Part 19</b>

### 12.2.3 Activities

#### 12.2.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

### 12.2.3.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

#### i Recreation Facilities

- (a) In the Shotover Resort Zone recreation facilities for active and passive purposes, including, but not limited to those for the purposes of golf, tennis and croquet excluding equestrian activities. Provided in those areas shown as G1 on the Structure Plan, recreation facilities for passive and active recreation shall not include buildings or structures.
- (b) In the Waterfall Park Resort Zone recreation facilities for active and passive purposes. Provided in those areas shown as O/P on the Structure Plan, facilities for passive and active recreation shall not include buildings or structures.

#### ii Residential Activities

In the Shotover Resort Zone residential activities provided the maximum number of residential units which may be erected within the Zone shall not exceed 160.

#### iii Visitor Accommodation

In the Shotover Resort and Waterfall Park Resort Zones all Visitor Accommodation.

#### iv Administration

In the Shotover Resort and Waterfall Park Resort Zones administration and servicing of facilities within the Zone, including storage, maintenance and depot facilities.

#### v Community Activities

- (a) In the Shotover Resort and Waterfall Park Resort Zones community activities limited to crèches and other child care facilities, conference and theatre facilities .

#### vi Dams and Other Structures

- (a) In the Shotover Resort Zone dams and other structures for the retention of water, associated ponds and streams, water races, drains, channels and pipes provided that all necessary authorisations are obtained from the appropriate authority
- (b) In the Shotover Resort Zone water and irrigation races, drains, channels and pipes, provided authorisation is obtained from the appropriate authority.
- (c) In the Waterfall Park Resort Zone structures for the retention of water, ponds, streams, water races, drains, channels and pipes.

## **vii Education Facilities**

In the Waterfall Park Resort Zone education facilities.

All activities from i to vii above are controlled in respect of the following matters:

- (a) Location and external appearance of buildings
- (b) Setback from roads
- (c) Setback from internal boundaries
- (d) Vehicle access and street layout
- (e) Outdoor living space
- (f) Street scene including landscaping
- (g) Enhancement of ecological and natural values
- (h) Provision for internal walkways, cycle ways and pedestrian linkages
- (i) Noise
- (j) Hours of operation.

## **viii Buildings**

- (a) In the Millbrook Resort Zone buildings which comply with Figure 1 Structure Plan – Millbrook Resort Zone with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- (b) In the Waterfall Park Resort Zone buildings with the exercise of the Council's control being limited to the external appearance of the building and to the effect of visual values of the area including coherence with the surrounding buildings.
- ~~(c) In the Jack's Point Zone buildings which comply with Figure 1 Structure Plan – Jack's Point Zone with the exercise of the Council's control being limited to:~~
  - ~~• the external appearance of buildings with respect to the effect on visual values of the area and coherence with surrounding buildings; and~~
  - ~~• infrastructure and servicing; and~~
  - ~~• associated earthworks and landscaping; and~~
  - ~~• access.~~

## **ix Parking, Loading and Access**

- (a) In the Shotover Resort Zone parking, loading and access in respect of the impact on the safety and efficiency of the surrounding road network and the number of parking spaces to be provided.
- (b) In the Millbrook Resort, Jacks Point and Waterfall Park Zones parking, loading and access in respect of the location and design of access points and their impact on the safety and efficiency of the surrounding road network, and the number of parking spaces to be provided.



**X Landscaping and Public Access (Jacks Point Zone)**

The design of the Lakeshore and Highway Landscape Protection Areas and provision of public access to Lake Wakatipu through the zone in respect of:

- All landscaping;
- Species proposed;
- Long term management considerations;
- The maintenance of view shafts;
- Integration with adjoining land uses;
- Mode of access, i.e. walking, cycle or motor vehicle;
- Alterations to the alignment of the public access route shown on the structure plan

**12.2.3.4 Discretionary Activities**

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying** Activities and they comply with all the relevant **Zone** Standards:

**i Commercial Recreation Activities Limited to:**

- (a) In the Shotover Resort Zone, Equestrian Centre, stables and associated facilities
- (b) In the Shotover Resort Zone night golf and facilities associated with night golf activity, except within the area on the Structure Plan shown as G1.

**ii Storage of Vehicles**

In the Shotover Resort Zone the use of the existing stone buildings within 150 m of Lots 1 and 2 DP 24120 and Lot 1 DP 21400 for any activity other than storage of vehicles.

**iii Buildings**

- (a) In the Millbrook Zone all buildings which do not comply with Figure 1 Structure Plan – Millbrook Resort Zone.
- (b) In the Jack's Point Zone all buildings which do not comply with Figure 1 Structure Plan – Jack's Point Zone.

**iv Residential Units**

- (a) In the Waterfall Park Zone all residential activities provided that the maximum number of residential units within the zone shall not exceed 100.
- (b) In the Shotover Resort Zone any more than two residential units on Lot 6 DP 22166.

**v Airports**

- (a) Limited to a single helicopter landing area in the Millbrook Resort Zone;
- (b) Limited to helicopter landing areas in the Jacks Point Resort Zone.

## **vi Vegetation (Jacks Point Zone)**

In the Jacks Point Zone:

- (a) Within the Highway Landscape Protection Area (refer Structure Plan) – the planting and/or growing of any tree which may or does obscure views from the State Highway to the mountain peaks beyond the zone.
- (b) Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub which is not indigenous and characteristic of the Lake Wakatipu foreshore.
- (c) Anywhere within the zone, the planting and/or growing of the following tree species:
  - Pinus muricata: or
  - Pinus contorta:or
  - Pinus nigra.

### **12.2.3.5 Non-Complying Activities**

The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

#### **i Factory Farming**

#### **ii Farming**

In the Millbrook Resort and Waterfall Park Resort Zones all farming activities.

#### **iii Forestry Activities**

#### **iv Mining Activities**

#### **v Industrial and Service Activities**

With the exception of service activities in the Jacks Point Zone

#### **vi Airports**

Airports **other than**

- (a) the use of land and water for emergency landings, rescues and fire fighting.
- (b) a single helicopter landing area approved as a discretionary activity under Rule 12.2.3.4 (v) in each of the Millbrook Resort Zone.
- (c) helicopter landing areas approved as a discretionary activity under Rule 12.2.3.4 (v) in the Jacks Point Resort Zone.

#### **vii Buildings**

- (a) In the Waterfall Park Resort Zone buildings within 7 m of Mill Creek.

#### **viii Residential Flat**

Except in the Jacks Point Zone

Any Activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

### 12.2.3.6 Prohibited Activities

The following shall be **Prohibited Activities**:

- i Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

In the Shotover Resort Zone any activities within 150 m of Lot 1 and 2 DP 24120 and Lot 1 DP 21400 and within 200 m of Lot 4 DP 22166, other than the use of such land as the golf course, and for the provision of water required for the continued maintenance of the golf course provided that this Rule 12.2.3.6 ii does not apply to any residential or rural use or activity proposed in relation to or undertaken on Lot 6 DP 22166.

### 12.2.4 Non-Notification of Applications

- (a) In the Jacks Point Resort Zone the design and layout of the Highway and Lakeshore Landscape Protection Area under Rule 12.2.3.2(x) and any variation of public access to Lake Wakatipu may be publicly notified under section 94 of the Act.
- (b) Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless special circumstances exist in relation to any such application:
  - (i) All applications for **Controlled** Activities.

### 12.2.5 Standards - Activities

#### 12.2.5.1 Site Standards

##### i Structure Plan

The siting of buildings and activities within the Resort Zones must be in conformity with the Activity areas of the relevant **Structure Plans** as set out below and in Figure 1 to this Rule, except for Accessory, Utility and Service Buildings less than 40m<sup>2</sup> floor area. The location of activities as provided for by the Structure Plan is restricted to the following:

- (a) Residential Activities Area (R) - the use of this area is restricted to Residential Activities.
- (b) Village Area (V) – In the Shotover Resort, Jacks Point and Millbrook Resort Zones the use of this area is restricted to Residential and Visitor Accommodation Activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities. In the Jacks Point Resort Zone, retail activities, and indoor and outdoor recreation facilities are also allowed in this area. In the Waterfall Park Resort Zone the use of this area is restricted to Residential and Visitor Accommodation Activities including bars and restaurants, theatres, conference, cultural and resort facilities and office and administration activities ancillary to the above activities.

- (c) Recreation Activities (F) - the use of this area is restricted to recreation activities.
- (d) Golf Course and Open Space (G) – the use of this area is restricted to outdoor recreation activities and open space provided that up to two residential units may be established on Lot 6 DP 22166
- (e) Open Space, Landscaping and Passive Recreation (O/P) – the use of this area is restricted to outdoor recreation activities and open space.
- (f) Resort Services (S) – the use of this area is restricted to service and maintenance facilities for other activities in the Zone.
- ~~(g) Lodge Activity Area (L) – the use of this area is restricted to visitor accommodation activities, restaurants, conference or meeting facilities.~~

## ii Setback from Roads and Internal Boundaries

- (a) No building or structure shall be located closer than 6m to the Zone boundary, **except:**
  - (i) in the Jack's Point Resort Zone no building or structure shall be located closer than 20 m to the Zone boundary.
- (b) In the Shotover Resort Zone no building shall be located within the following minimum setback distances from Jims Way or Tucker Beach Road:
  - i Buildings for Residential Accommodation, Recreation Activities, Retail Activities 10m
  - ii Buildings for Visitor Accommodation 20m
- (c) In the Millbrook Resort Zone no building shall be located within the following minimum setback distances from Malaghan Road or the Arrowtown Lake Hayes Road:
  - i Buildings for Residential Accommodation, Recreation Activities, Retail Activities 10m
  - ii Buildings for Visitor Accommodation 20m

### 12.2.5.2 Zone Standards

#### i Residential Units

- (a) In the Shotover Resort Zone the maximum number of residential units permitted is 160.
- (b) In the Millbrook Resort Zone the maximum number of residential units permitted is 450. These units must be located in accordance with the Structure Plan, provided until such time as 27 golf holes are completed, only 300 residential units are permitted.
- (c) In the Waterfall Park Resort Zone the maximum number of residential units permitted is 100. The units must be located in accordance with the Structure Plan.

(d) In the Jack's Point Zone the maximum number of residential units permitted is 400 provided that:

(a) Until such time as 18 golf holes are constructed, only 200 residential units and a 60 room lodge are permitted.

(b) No residential dwelling may be occupied until 18 golf course holes have been constructed.

## ii Building Height

(a) In the Shotover Resort Zone the maximum height of buildings shall be:

- |       |                                                                                                        |     |
|-------|--------------------------------------------------------------------------------------------------------|-----|
| (i)   | Hotels, clubhouses, conference and theatre facilities<br>restaurants, retail and residential buildings | 7m  |
| (ii)  | Filming towers                                                                                         | 12m |
| (iii) | All other buildings and structures                                                                     | 4m  |

(b) In the Millbrook Resort Zone the maximum height of buildings shall be:

- |       |                                                                                                        |     |
|-------|--------------------------------------------------------------------------------------------------------|-----|
| (i)   | Hotels, clubhouses, conference and theatre facilities<br>restaurants, retail and residential buildings | 8m  |
| (ii)  | Filming towers                                                                                         | 12m |
| (iii) | All other buildings and structures                                                                     | 4m  |

(c) In the Waterfall Park Resort Zone the maximum height of buildings shall be:

- |       |                                                                                                     |     |
|-------|-----------------------------------------------------------------------------------------------------|-----|
| (i)   | Accommodation, clubhouses, conference, theatre<br>facilities restaurants, and residential buildings | 8m  |
| (ii)  | Filming towers, aerials, chimneys                                                                   | 12m |
| (iii) | All other buildings and structures                                                                  | 4m  |

(d) In the Jack's Point Zone the maximum height of buildings shall be:

- |       |                                                                  |            |
|-------|------------------------------------------------------------------|------------|
| (i)   | <u>Clubhouses, restaurants, retail and residential buildings</u> | <u>8m</u>  |
| (ii)  | <u>Lodge (Area L)</u>                                            | <u>10m</u> |
| (iii) | <u>Filming towers</u>                                            | <u>12m</u> |
| (iv)  | <u>All other buildings and structures</u>                        | <u>4m</u>  |

## iii Glare

(a) All fixed lighting shall be directed away from adjacent roads and properties.

(b) Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish.

- (c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.

#### iv Servicing

- (a) All services are to be reticulated underground.
- (b) In the Shotover Resort Zone development shall be served by a communal sewage and water scheme.
- (c) In the Millbrook Resort Zone all effluent disposal shall be reticulated to the Shotover Sewerage Treatment Plant.

#### v Site Coverage

- (a) In the Shotover Resort Zone the maximum site coverage shall not exceed 6% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. **Excludes** weirs, filming towers, bridges and roads.
- (b) In the Millbrook Resort, Jacks Point and Waterfall Park Resort Zones the maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings. **Excludes** weirs, filming towers, bridges, roads and parking areas.

#### vi Nature and Scale of Activities

**Except** within those areas of the Structure Plan identified as the Village Centre:

- (a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building, except in relation to farming activities at the Jacks Point Zone.

#### vii Retail Sales

- (a) In the Shotover Resort and Waterfall Park Zones no goods shall be displayed, sold or offered for sale from a site **except**:
  - (i) goods grown, reared or produced on the site;
  - (ii) within those areas of the Structure Plan identified as the Village Centre.
- (b) In the Millbrook Resort Zone no goods or services shall be displayed, sold or offered for sale from a site **except**:
  - (i) goods grown, reared or produced on the site;
  - (ii) goods and services associated with and ancillary to the recreation activities taking place (within buildings associated with such activities) within those areas of the Structure Plan identified as recreation facilities;

- (iii) within those areas of the Structure Plan identified as the Village Centre.

**viii Noise**

- (a) In the Shotover Resort<sub>1</sub> Zone non-residential activities shall be conducted so the following noise levels are not exceeded at the boundary of the zone:

Daytime 0800 - 2000 hours	50dBA L <sub>10</sub>
Night time 2000 - 0800 hours	40dBA L <sub>10</sub> and 70 dBA L <sub>max</sub>

- (b) In the Millbrook Resort and Jacks Point Resort Zones non-residential activities shall be conducted so the following noise limits are not exceeded at any point within the boundary of the Residencies Activities Area shown on the Structure Plans.

Daytime 0800 - 2000 hours	50dBA L <sub>10</sub>
Night time 2000 - 0800 hours	40dBA L <sub>10</sub> and 70dBA L <sub>max</sub>

- (c) In the Waterfall Park Resort Zone non-residential activities, shall be conducted so the following noise levels are not exceeded at any point within the boundary of the zone:

Daytime 0800 - 2000 hours	50dBA L <sub>10</sub>
Night time 2000 - 0800 hours	40dBA L <sub>10</sub> and L <sub>max</sub> 70dBA

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991. Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.

**ix Access**

There shall be no vehicular access to the Shotover Resort Zone from State Highway 6. All access shall be from Tucker Beach Road or Jim's Way, provided that no traffic associated with construction or development on the land shall be permitted to use the existing access immediately to the west of that land (Lot 5 DP 22166).

**x Landscaping**

- (a) In the Shotover Resort Zone the owner(s) of the land shown as G1 on the Structure Plan shall be responsible for the creation and maintenance of a 15 m strip within the G1 area adjoining the boundary of the properties described as Lots 1 and 2 DP 24120 and Lot 1 DP 21400 and Lot 5 DP 22166.
- (b) Such 15 m strip shall be established on the land shown as G1 on the Structure Plan. The owner(s) of such land shall be responsible for the preparation of a planting programme. The planting programme shall have regard to earth mounding, plant species, density and height. The planting programme is to be approved by G F and C G Williams, and J J L and L J Turner, or their successors in title, as the case may be, prior to works commencing.

**xi Arrow Irrigation Race**

In the Shotover Resort Zone the Water User shall not obstruct access by the Arrow Irrigation Company to any irrigation works on or off the Water User's land and shall not plant trees or construct works which would obstruct such access or interfere with the irrigation works and shall ensure that such access to the Water User's land is always kept available to the Company.

Further to this rule, the Water User shall ensure that, without the consent of the company (not to be unreasonably withheld):

- (a) On slopes of 0°-12° no buildings, excavations or tree planting shall be effected within 6 m of an irrigation race.
- (b) On slopes of 12°-20° no buildings, excavations or tree planting shall be effected within 7 m of an irrigation race.
- (c) On slopes of greater than 20° no buildings, excavations or tree planting shall be effected within 10 m of an irrigation race.
- (d) No fences shall be erected within 6 m of the waters edge of an irrigation race except for those which cross any access track.

Gates shall be provided and paid for by the water user and located in a position approved by the company.

**xii Fire Fighting**

In the Millbrook Resort, Jack's Point and Waterfall Park Resort Zones a fire fighting reserve of water shall be maintained. The storage shall meet the Fire Service Code of Practice 1992.

**xiii Water Quality**

In the Millbrook Resort and Waterfall Park Resort Zones activities shall be assessed as to their potential effects on the water quality of Mill Creek and Lake Hayes in terms of siltation and nutrient loading. No activity shall compromise the existing water quality or vegetation.

**xiv Refuse Management**

All refuse shall be collected and disposed of to a Council approved landfill site. There shall be no landfill sites situated within the Zone.

**xv Atmospheric Emissions**

- (a) Within any premises in the Millbrook Resort, and Waterfall Park Resort Zones the best practicable means shall be adopted to minimise the emission of smoke, smell and other air pollutants from the premises and to render any air pollutant harmless and inoffensive.
- (b) In the Millbrook Resort and Waterfall Park Resort Zones feature open fireplaces are permitted in the clubhouse and other communal buildings including bars and restaurants. There shall be no other solid fuel fires.



## **supplementary Changes to the Assessment Matters:**

### 12.5.2 (ii) Controlled and Discretionary Activities – Buildings – Resort Zones

#### (e) For buildings within the lodge area in the Jacks Point Zone:

- (i) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone-like appearance, and timber weatherboards.
- (ii) The use of non-reflective glazing.
- (iii) The extent to which all colours will be predominantly within the shades of creams, greys and earth tones
- (iv) The use of slate as the predominant roofing material
- (v) The extent to which all earthworks ensure the line and form of the landscape is generally maintained, and methods for remedial earthworks and planting.

### 12.5.2 (x) Vegetation (Jacks Point Zone)

- (a) The height to which the proposed tree or shrub will grow, and its characteristics
- (b) The potential for the tree or shrub to adversely affect indigenous and/ or endemic vegetation
- (c) The number of exotic trees or shrubs to be planted and their relative spacing
- (d) Whether such planting would result in an unnatural appearance in this general locality and whether such planting (taking into account the effect at maturity) will blend with the predominant vegetative pattern.
- (e) Public amenity values and viewshafts

<b>Original Submitters</b>	<b>Sub #</b>	<b>Original Submitters</b>	<b>Sub #</b>
Tony Bezett	16/1/1	Jackie Leat	16/30/1
John Borwick	16/2/1	John Mansfield	16/31/1
Andrew Brinsley	16/3/1	Martin McDonald	16/32/1
Paulette Caldwell	16/4/1	Peter McNally	16/33/1
Jay Cassells	16/5/1	GJ Murphy	16/34/1
Clearwater Resort	16/6/1	Naturally Best New Zealand Ltd	16/35/1 – 27
Darryn Collins	16/7/1	Zana Perry	16/36/1
Lyell Collins	16/8/1	Justin Prain	16/37/1
S Collins	16/9/1	Queenstown Airport Corporation	16/38/1
Steve Couper	16/10/1	Jeffrey Rae	16/39/1
Blair Crowe	16/11/1	Remarkables Estate Limited	16/40/1 – 12
David Grieve	16/12/1	Shotover Park Ltd	16/41/1 – 27
John Gumarie	16/13/1	Jeff Sinnott	16/42/1
John Hanson	16/14/1	Steve Smith	16/43/1
Peter Hanson	16/15/1	Johan Small-Smith	16/44/1
Richard Hanson	16/16/1	Don Spary	16/45/1
Robert Hay	16/17/1	Fergus Spary	16/46/1
Heliworks Queenstown Helicopters Ltd	16/18/1	Kim Stewart	16/47/1
Henley Downs Holdings Limited	16/19/1 – 4	Richard Thomson	16/48/1
Chris Herbert	16/20/1	Transit New Zealand	16/49/1 – 3
R & M Holmes & M Scott-Malcolm	16/21/1	Jeff Turner	16/50/1
Doreen Hood	16/22/1	W Vaega	16/51/1
Kerry Hood	16/23/1	Wakatipu Environmental Society	16/52/1
Geoff Hunt	16/24/1	Murray Wallace	16/53/1
N Ishida	16/25/1	Angus Watson	16/54/1
Jacks Point Limited	16/26/1 – 7	Lindsay Williams	16/55/1
DS & JF Jardine and GB Boock	16/27/1 – 21	Shane Wild	16/56/1
Andrew Kitto	16/28/1	Gary Michael Withers	16/57/1
Peter Lawrence	16/29/1	Craig Muir	16/58/1

**Further Submitters**

Steve Couper  
Jacks Point Limited

**Further Submission #**

321/16/10/1  
322/16/10/1  
322/16/19/1-4  
322/16/35/1-10, 12, 13, 15, 17-20, 22, 25 & 27  
322/16/38/1,  
322/16/40/1-3 & 5-12  
322/16/41/1-10, 12, 15, 17-20, 22, 25 & 27  
322/16/43/1  
322/16/49/2  
322/16/49/3  
322/16/52/1  
322/16/55/1

Henley Downs Holdings Ltd	343/16/10/1, 343/16/35/1, 343/16/35/3, 343/16/35/22, 343/16/35/6, 343/16/38/1, 343/16/41/1, 343/16/41/22, 343/16/41/3, 343/16/41/6,
Naturally Best New Zealand Ltd	344/16/19/1, 344/16/26/1, 344/16/27/1, 344/16/40/1-4 & 6-9, 344/16/52/1
Shotover Park Ltd	345/16/19/1, 345/16/26/1, 345/16/27/1, 345/16/40/1-4 & 6-9, 345/16/52/1
DS & JF Jardine and GB Boock	341/16/27/1
Lindsay Williams	347/16/43/1,
Steve Smith	346/16/55/1

Appendix 4 Stakeholders Deed (including Development Controls and Design Guidelines for the Tablelands)

---

**JACKS POINT LIMITED**

**HENLEY DOWNS HOLDINGS LIMITED**

**DICKSON STEWART JARDINE, JILLIAN FRANCES JARDINE and  
GERARD BRENDAN BOOCK**

**QUEENSTOWN LAKES DISTRICT COUNCIL**

---

**JACKS POINT STAKEHOLDERS DEED**

---



BARRISTERS, SOLICITORS & NOTARIES SINCE 1862

QUEENSTOWN, DUNEDIN & CHRISTCHURCH  
NEW ZEALAND

Tel: 64 3 442 7570

Fax: 64 3 442 8848

E-mail: [lawyers@andersonlloydcaudwell.com](mailto:lawyers@andersonlloydcaudwell.com)

PO Box 201

Queenstown



## JACKS POINT STAKEHOLDERS DEED

Dated 2003.

### PARTIES:

- I **JACKS POINT LIMITED** at Queenstown ("Jacks Point")
- II **HENLEY DOWNS HOLDINGS LIMITED** at Queenstown ("Henley Downs")
- III **DICKSON STEWART JARDINE, JILLIAN FRANCES JARDINE and GERARD BRENDAN BOOCK** ("Jardine")
- IV **QUEENSTOWN LAKES DISTRICT COUNCIL** ("the Council")

### BACKGROUND

- A. The Council has publicly notified Variation No. 16 to the Queenstown Lakes District Proposed Plan ("The Variation"). The Variation applies to land owned by Jacks Point (the "Jacks Point Land"). A separate agreement between Jacks Point and the Council deals with the processing of the Variation. This Deed deals with certain outcomes of the Variation hearing.
- B. Jacks Point, Henley Downs and Jardine have lodged submissions to the Variation. The Jacks Point submission supports the Variation. The Henley Downs submission supports the Variation and seeks to extend the area of land covered by the Variation to include land owned by Henley Downs (the "Henley Downs Land"). The Jardine submission supports the Variation and seeks to extend the area of land covered by the Variation to include land owned by Jardines (the "Jardine Land"). In this Deed the Jacks Point Land, the Henley Downs Land, and the Jardine Land are jointly referred to as the "Coneburn Land" to the extent that such land is within the Jacks Point Zone. If the Variation is confirmed, it will create the Jacks Point Zone ("Zone") and will apply to the land within the Zone as finally confirmed.
- C. The Council has held a hearing to determine whether or not the Zone subject to the Variation should be confirmed and whether or not the proposed extensions to the Zone requested by Henley Downs and Jardine should be approved. Presentation of evidence and submissions has been completed. The hearing has been adjourned. The Council has not yet made any decisions as a consequence of that hearing.
- D. Some issues arose during the Variation hearing in respect of which the Council seeks a greater degree of certainty of outcome than can be achieved through district plan provisions. In addition some issues arose during the Variation hearing which cannot be addressed through the process of varying a district plan (specifically in relation to community housing). The Council has requested that Jacks Point, Henley Downs and Jardine respond to the Council as to how these issues might be addressed.
- E. Jacks Point, Henley Downs and Jardine have proposed that those issues be addressed in this separate Deed outside the Variation process so that the outcomes envisaged by this Deed are directly legally enforceable by the parties. The Council has agreed to that proposal without predetermining its decision on the Variation. This Deed sets out the agreement reached between the parties in relation to those issues.

- 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.

## **THIS DEED RECORDS:**

### **Vision and Purpose**

1. The parties have a common vision to enable and achieve development of the Coneburn Land to create exceptional living environments and village communities centred around and based upon open space, natural and recreational values.
2. The purpose of this Deed is to achieve co-ordinated development of the Coneburn Land to achieve the vision described in clause 1.

### **Development Controls**

3. Attached to this Deed marked "A" is a document entitled "Coneburn Development Controls" dated July 2003 ("Development Controls"). The parties agree that:
  - a. The Development Controls (as amended from time to time) will apply to all development of the Coneburn Land.
  - b. The Development Controls may not be amended without the unanimous agreement of the parties provided that no party shall unreasonably withhold their agreement to any proposed amendment which the other parties consider beneficial and which does not adversely affect that party's land.
  - c. Jacks Point, Henley Downs and Jardine will ensure that, prior to any development of any part of the Coneburn Land, the obligation to comply with the Development Controls will be covenanted on the title(s) to the land to be developed.
  - d. The primary control on development (which is specified in the Development Controls) is that the maximum site coverage for all development shall be 5% of the Jacks Point Land and 5% of the Henley Downs Land and 2.5% of the Jardine Land so that at least 95% of each area of land shall remain as open space. For the purposes of this subclause the term "site coverage" means land covered by buildings ("buildings" as defined in the Queenstown Lakes District Council Proposed Plan as at the date of this Deed).
4. For clarification purposes it is recorded that:
  - a. It is not intended that the Development Controls themselves be included in any covenant(s) referred to in subclause 3(c) . It is the obligation to comply with the Development Controls (as amended from time to time) which will be covenanted.
  - b. It is intended that the Development Controls be a "living document" which can be amended from time to time by unanimous agreement between the parties as circumstances change provided that no amendment may substantially revoke the Development Controls. Any future landowner carrying out any development of any part of the Coneburn Land will be covenanted to comply

with the Development Controls which are current at the time such development is carried out.

- c. Notwithstanding subclause (b) above, the Development Controls, regardless of any amendments, will address the following matters.

### **Urban Design Settlement Principles**

- Integrated visitor and resident community.
- Comprehensive development approach in accordance with an approved master plan.
- Public access to and along the lakefront.
- Clearly defined and protected open space character with public access and recreation.
- Clearly defined residential precincts focused around a central village(s).
- Achieving appropriate environmental standards.

### **Infrastructure Controls**

- Roading – soft engineering design principles
- Wastewater – on site decentralized wastewater management
- Water Supply – Self contained Coneburn scheme
- Stormwater – apply soft engineering design philosophy and where possible, maintain natural drainage patterns
- Power reticulation – underground
- Telecommunication – underground
- Self-contained operations and maintenance
- Provision of appropriate parking in an environmental manner

### **Site Development & Landscape Controls**

- Protecting and enhancing valued ecological resources;
- Protecting views from the SH6 road corridor;
- Protecting distinctive natural features – vegetation, ponds, wetlands, rocks and topography;
- Assimilating man-made improvements into the topography and vegetation in areas of visual sensitivity;
- Minimising grading and removal of vegetation;
- Maintaining where possible existing natural drainage patterns;
- Avoiding steep slopes or other geological conditions.
- Ensuring planting is appropriate to the existing landscape character.
- Maintaining the naturalness of the area as far as is reasonably achievable within the context of the Zone.

With specific controls over:

- Grading & Drainage
- Retaining walls
- Driveway Areas
- Exterior lighting
- Irrigation
- Site Utilities
- Exterior services areas
- Plant species
- Control of wilding species
- Control of pest flora and fauna



### **Building Controls**

All buildings to be subject to a Design Review Board approval process and specific design guidelines as set out in clauses 7 & 8 below. Building design guidelines are to be formulated for each development precinct covering the following matters:

- Building form and massing to reflect the incremental and broken nature of traditional building forms
- Exterior cladding
- Roof colour
- Roof pitch
- Roofing materials
- Wall colour
- Building height
- Boundary setbacks
- Recession planes
- Bulk & Location
- Landscaping
- Reflectivity of building materials

5. No party is obligated to agree to any change to the Development Controls requested by any other party at any time. However any such request will be given careful consideration by all parties before any decision is made by any party as to whether to agree to any such change. No party shall unreasonably withhold their agreement to any proposed amendment which the other parties consider beneficial and which does not adversely affect that party's land provided that no amendment may substantially revoke the Development Controls.

### **Design Guidelines**

6. The Development Controls shall provide a basis for the development of specific Design Guidelines which will apply to discrete areas within the Zone. Different areas will have different Design Guidelines which respond to the particular topographical, landscape, visual amenity, and other characteristics and values which apply to that area of land. As an example of the purpose and intent of this clause, included in the Development Controls is a sub-section entitled Design Guidelines - Tablelands dated July 2003 which will apply to that part of the Jacks Point Land and the Henley Downs Land referred to and identified as the "Tablelands" in the Coneburn Area Resource Study (a document dated October 2002 commissioned by the Council in preparation for the Variation hearing).
- 7.
- a. Subject to subclause (b) below no landowner of any land within the Zone shall make any resource consent application to subdivide or develop any part of the Coneburn Land without a set of Design Guidelines for that area of land being settled for the purposes of this Deed, and lodged as part of such application for subdivision or development.
  - b. Subclause (a) above shall not apply to any application for subdivision consent to create a large title as an intermediate step when the land in the title is not itself intended to be developed but is intended to be further subdivided for development purposes. However subclause (a) shall apply to any application for consent to erect any buildings within any Residential (R) Area or Village (V) Area within the Zone.

8. Subject to subclause 7(b) the Design Guidelines for a particular area of land as described in subclause 7(a) shall form part of the Outline Development Plan lodged for approval by the Council pursuant to the provisions of the Zone prior to any subdivision or development of that area of land and shall apply to any future development of that area of land and shall be recorded and enforceable by any or all of the following methods:
  - a. In respect of any subdivision consent application, a condition of consent shall be volunteered that those applicable Design Guidelines be recorded in a Consent Notice to be registered against the titles to the land being subdivided.
  - b. In respect of any land use consent application, a condition of consent shall be volunteered that those applicable Design Guidelines be recorded in a covenant to be registered against the titles to the land being developed.
  - c. Any other method deemed appropriate by the Council to ensure that the Design Guidelines for that area of land are clear and enforceable and made known to any purchaser or developer of any part of that area of land.
9. The Council shall be entitled to be a party to any registered covenant referred to in subclause 8(b) (it is noted that that is not necessary in relation to subclause 8(a) because the Council must agree to a variation of any Consent Notice registered against title to land).

#### **Public Access**

10. For the purposes of this part of this Deed relating to public access, there is annexed to this Deed a draft Structure Plan (attachment B) for the Zone identifying different Activity Areas ("Structure Plan"). In relation to the Structure Plan and this section of this Deed, the following provisions apply:
  - a. The Structure Plan is subject to final approval by the Council as a consequence of the Variation hearing and is dependent upon such approval being given to any and all aspects of that plan.
  - b. The following provisions relating to public access will apply to the Structure Plan as finally confirmed by the Council if such confirmation results from decisions made as a consequence of the Variation hearing.
  - c. Such approved Structure Plan may be subject to variation in the future through District Plan variation procedures, in which case these provisions shall apply to such varied Structure Plan.
11. For the purposes of this section of this Deed relating to public access the term "Open Space" means all land within the Zone outside those Activity Areas identified on the Structure Plan for residential, village, farm buildings, and any other building development activities. For the purposes of clarification it is recorded that the term "Open Space" applies to the three separate Landscape Protection Areas in addition to the various areas marked on the Structure Plan as Open Space for various purposes.
12. Attachment C (Jacks Point Zone – public access and open space) has superimposed upon it indicative future "Public Access Routes" and an indicative future "Public

Domain". The following provisions apply to those Public Access Routes and that Public Domain:

- a. They are superimposed on the attached Structure Plan for the purposes of this Deed. They do not form part of the Variation and therefore will not be shown on any structure plan confirmed by the Council as a result of the Variation hearing (with the exception of the primary public walking track which was notified as part of the Variation).
  - b. Jacks Point, Henley Downs and Jardine respectively shall provide marked and formed Public Access Routes generally as shown on the attached Structure Plan provided that the location of any particular Public Access Route may be varied in the course of preparation and finalisation of development planning, ie: the Public Access Routes shown on the attached Structure Plan must be provided but their location may be determined by the relevant landowner.
  - c. The Public Domain shall be generally in the area shown, although minor variation in boundaries is permitted.
  - d. Subject to clause 14(b) below the Public Access Routes and the Public Domain will be open and accessible to the general public at all times. In particular, and without derogation from the generality of this clause, no gates or fences or any other impediment to public access shall be put in place other than to the extent permitted pursuant to clause 14(b) below.
  - e. The Public Access Routes shall be implemented in respect of each party's land prior to any residential or commercial activities being carried out on that party's land.
13. Prior to any development on the Jacks Point Land, the Henley Downs Land or the Jardine Land (each area of land being treated separately for the purposes of this clause) the relevant landowner and the Council shall agree a Public Access & Recreation Plan for the public open space within that area of land. The general purpose of the Public Access & Recreation Plan shall be to ensure appropriate public access without adversely affecting other activities being carried out within the Open Space or adjoining development Activity Areas. Without derogating from the generality of this clause, the Public Access & Recreation Plan shall:
- a. Provide for formed and/or marked walking trails and/or bridle trails and/or mountain biking trails (as determined by the relevant landowner) accessible to and for the benefit of the general public.
  - b. Ensure that all roading is generally open and accessible to the general public and not gated or closed off in any way (provided that this subclause does not apply to private driveways).
  - c. Recognise that farming activities are necessary to ensure maintenance of Open Space areas and that public access must recognise and respect farming activities.
  - d. Recognise that some recreational activities carried out within Open Space areas will be subject to restrictions which normally apply to such recreational activities, such as a requirement to be a member of the golfcourse and/or pay green fees in order to have access to the golfcourse. For the purposes of this

subclause “*golfcourse*” means, in respect of each golf hole, a corridor 100 metres wide, measured (in width) 50 metres either side of the centreline of the fairway and (in length) from 50 metres behind the back of the tee to 50 metres beyond the green.

- e. Recognise that there may need to be restrictions on public access in areas designated for effluent disposal.
- f. Recognise and protect the privacy of residents within the Zone.
- g. Recognise that restrictions may be necessary for the safety of members of the public.
- h. Recognise that specific areas normally available for public access may be closed to public access temporarily for specific and appropriate reasons (eg: a walking track might have to be closed temporarily for maintenance purposes and/or farming purposes such as lambing, access in the vicinity of or overlooking the golfcourse may be closed for the duration of a specific golfcourse tournament, temporary restrictions may be required in times of potential fire hazard, and the like.).

14. The parties agree that:

- a. The appropriate legal methods to ensure the public access rights described in clauses 12 and 13 (such as easements in gross in favour of the Council or the public) and appropriate restrictions (such as identification of walking trails through farmland) will be determined and enshrined in a legally enforceable manner prior to any development of the relevant land provided that this clause shall not apply to development of land for golfcourse purposes provided that:
- b. Permanent access open to the public at all times will be provided and implemented along primary Public Access Routes provided that:
  - i. Subject to subclause (ii) below, a Public Access Route may be closed temporarily for a specific and appropriate reason of the kind referred to in clause 13(h) above:
  - ii. No temporary closure pursuant to subclause (i) above may occur without an alternative Public Access Route being provided for the period of the temporary closure and approved by the Council and properly signposted so that the temporary alternative Public Access Route is obvious to any person who may wish to use it.

15. At the time of preparation of the Outline Development Plan (pursuant to the Zone provisions) for either Village (V) Area which is adjacent to the Public Domain referred in clause 12(c), the developer preparing that Outline Development Plan shall also prepare a concept plan for that part of the Public Domain which is situated on that developer’s land. That concept plan shall indicate how that part of the Public Domain is intended to be developed in accordance with best practice urban design principles and shall include consideration of community purposes which may be appropriately carried out on part of the Public Domain (such as a community centre or other facility for the benefit of the public).

## Infrastructure

- 16.
- a. For the purposes of this Deed the term “Infrastructure” means any and all infrastructural services including roading, water supply, sewerage and waste water/sewage disposal, power, telecommunications, gas supply, waste disposal, waste recycling, and the like.
  - b. Clause 17 shall be subject to any Council requirement legally imposed at subdivision or land use consent stage.
17. As far as is feasible and is reasonably and practically possible, and subject to clause 16(b), all Infrastructure shall be supplied and contained within the Zone and shall be developed and maintained at the cost of the landowners within the Zone without any Council involvement. Without derogating from the generality of this clause, and without restricting the effect of this clause, the parties anticipate that:
- a. There will be a single communal potable water supply installed to service the Coneburn Land sourced from Lake Wakatipu.
  - b. Irrigation water requirements, such as for the proposed golfcourse and for general landscaping, will also be sourced from Lake Wakatipu and will be the responsibility of the golfcourse developer/operator or any other landowner requiring irrigation water.
  - c. All sewage will be disposed of on land within or adjacent to the land subject to the Zone and in a manner which avoids any possibility of discharge to streams or lakes as far as is reasonably scientifically practicable (noting that discharge permit(s) from the Otago Regional Council will be required for any communal onsite sewage disposal system).
  - d. Power and telecommunications infrastructure will be installed at the respective developer’s cost in the normal manner in accordance with the provisions of the Zone, and operating and maintenance costs will be charged to landowners in the normal manner.
  - e. All roading within the zone will be privately constructed, owned and operated but will be subject to appropriate easements in gross in favour of the Council or the public where appropriate to ensure permanent public access from State Highway 6 through the Zone to Lake Wakatipu and to the Village areas and to implement the public access provisions detailed above.
  - f. An environmentally responsible approach will be taken to waste disposal, incorporating recycling where appropriate, in accordance with Council initiatives and subject to reasonable practical and financial limitations.
18. Without restricting the application of either clause 16 or clause 17:
- a. Infrastructure shall be managed, maintained and operated by or on behalf of the landowners within the Zone as determined by the landowners within the Zone.

- b. Infrastructure shall remain private as far as possible to enable maximum flexibility of design. This particularly applies to roading, street lighting, and similar infrastructural elements as a private, innovative design can sometimes achieve better environmental outcomes than are achieved through compliance with standard Council engineering requirements.
- c. The Council will facilitate the intentions described in subclauses (a) and (b) above subject to the Council's overriding rights detailed in clause 16(b) .

## **Community Housing**

- 19.
  - a. The purpose of this section of this Deed relating to Community Housing is to establish a strategy to assist in addressing problems currently faced by the Queenstown community (and anticipated to be faced to a greater degree in the future) of rising land and accommodation prices and lack of supply of affordable residential accommodation resulting in people (particularly families and members of the working community) being unable to afford residential accommodation in the Queenstown area.
  - b. For the purposes of this section of this Deed the term "Community Housing" means residential land and/or housing stock (which may be individual lots, houses or apartments or any other form of provision for residential accommodation) sold, purchased, held, leased or otherwise managed through a structure or structures or by means of a method or methods to ensure the long term provision of housing accommodation at a discount to market value.
- 20. Jacks Point, Henley Downs and Jardine will each make a contribution to Community Housing ("Contribution") as follows:
  - a. The Contribution may be in land and/or money and/or land and buildings as determined by the relevant landowner or by other means approved by the Council provided that the Contribution may be in money only if the Council or the Trust referred to in subclause (b) below agrees that the Contribution may be in money.
  - b. The financial benefit of a Contribution shall pass directly or indirectly to a Community Housing Trust(s) or an alternative entity(ies) ("Trust") established for the purpose of achieving Community Housing and shall be applied for that purpose.
  - c. A Contribution of land would comprise a transfer of 5% of the number of developed residential lots to the Trust at nil consideration or 10% of the number of residential lots developed at 50% of market value or corresponding intermediate calculation – such lots to be chosen by the landowner.
  - d. A Contribution of money would be a financial payment equal to the market value (less real estate commission) of the residential lots which would otherwise be transferred to the Trust pursuant to subclause (c) above.
  - e. For the purposes of subclause (c) above a Contribution of land may comprise land and/or buildings and/or units determined in accordance with the method set out in subclause (c).

- f. Alternatively for the purposes of subclause (c) a Contribution of land may comprise land and/or buildings and/or units owned by the landowner and leased to the Trust at a discount to market value for the purposes of Community Housing.
  - g. The required Contribution shall be determined in respect of each stage of subdivision or development when that stage of subdivision or development is consented provided that subdivision or development shall be staged in a normal and commonsense manner, and in particular shall not be engineered in an unusual way to try and achieve all the Community Housing Contributions in one area.
  - h. Subject to subclause (g) above, the timing and manner of the Contribution shall be determined by the landowner. The Council shall be entitled to take appropriate steps to ensure that the required Contribution will be made provided that:
    - i. The Contribution shall be quantified by reference to land and/or money and/or land and buildings at the time the relevant subdivision or land use consent is granted, whichever is the earlier;
    - ii. The Contribution shall be paid or transferred to the Trust no later than one year after the relevant titles have been created (in relation to a subdivision consent) or the consent has been given effect to (in relation to a land use consent);
    - iii. Any Contribution which is paid or transferred after the creation of titles (in the case of a subdivision consent) or the consent has been given effect to (in the case of a land use consent) shall be bonded by registered bond prior to the creation of titles (in the case of a subdivision consent) or the consent being given effect to (in the case of a land use consent).
  - i. The total Contribution of a landowner made pursuant to this clause may comprise a combination of any or all of the above methods, or equivalent or similar methods, provided that whatever method or combination of methods is chosen results in a financial Contribution by that landowner equal to the value of the 5% requirement referred to in subclause (c) above.
  - j. No party may seek to claim a Contribution paid pursuant to this clause as a credit or offset against any other financial contribution able to be levied by the Council pursuant to any legislation provided that this subclause shall not apply if such other financial contribution relates to Community Housing.
  - k. If a Contribution comprises or includes a building(s) then such Contribution shall not be transferred to the Trust unless a Completion Certificate in respect of such building(s) has been issued by the Council.
21. In addition to the Contribution detailed in Clause 20, Jacks Point, Henley Downs and Jardines shall pay to the Council upon confirmation of the Zone by the Council following the Variation hearing (and regardless of whether or not any references are filed) the sum of \$10,000 to fund a study into appropriate methods of implementing the Community Housing initiative provided that that sum of \$10,000 shall be matched by an equivalent sum provided by the Council for the purposes of funding that study.

## **Golfcourse**

22. The following provisions shall apply to the golfcourse(s) intended to be constructed on the Jacks Point Land and the Henley Downs Land:
- a. The golfcourse(s) shall be constructed and maintained in accordance with international Integrated Pest Management procedures applicable to golfcourses.
  - b. The golfcourse to be situated largely on the Tableland area shall be constructed and maintained as a "target" golfcourse which minimises mown areas of fairway and green and maximises retention of natural character and landscape (this provision does not apply to the possible second golfcourse situated in the central valley which may be designed and maintained more as a community golfcourse rather than a target golfcourse).
  - c. The golfcourse(s) shall be constructed and maintained to a "Best Practice" standard to minimise application of chemical fertilisers, pesticides and herbicides and to maximise natural and/or organic procedures as far as is reasonable and practically possible with respect to local climatic and natural conditions.
  - d. The Council shall be entitled to require an annual independent audit by appropriate expert(s) in golfcourse management at the cost of the golfcourse operator to ensure that the above standards are being met.

## **Open Fires**

- 23.
- a. Subject to subclause (b) below there shall be no open, solid fuel fires within any residential unit or dwelling or on any residential lot situated within any area identified as "R - Residential" or "R/V - Residential/Village" shown on the attached Structure Plan marked "B" .
  - b. Subclause (a) applies to all internal open solid fuel fires and all external open solid fuel fires (such as fires burning garden waste) but does not apply to any internal or external barbecue fire being operated for cooking purposes."
  - c. Notwithstanding subclauses (a) and (b) above, only low-emission solid fuel burners (less than 2 gram of particulate per kg of fuel burnt and 65% heating efficiency - when measured and assessed in accordance with NZS 4012/4013) may be installed and used within any residential unit or dwelling or on any residential lot situated within any area identified as "R - Residential" or "R/V - Residential / Village" shown on the attached Structure Plan marked "B".

## **Other Matters**

24. This Deed binds the successors in title to the parties in respect of the Jacks Point Land, Henley Downs Land and Jardine Land respectively. Neither party shall transfer, lease or otherwise dispose of any part of those Lands without:
- a. first advising the purchaser of the existence and contents of this Deed;



- b. including in any Agreement for Sale and Purchase or other disposition a clause requiring the purchaser or transferee to deliver to the vendor on or before settlement a signed Deed of Covenant binding the purchaser to meet the vendor's obligations to the other parties to this Deed.
- 25. For the purposes of clauses 4 and 5 above the "Parties" who may amend the Development Controls by unanimous agreement shall comprise and be limited to the parties to this Deed and any other, replacement or successor parties to whom any party to this Deed has transferred land and to whom any party to this Deed has specifically assigned the benefit arising under clauses 4 and 5 above of being able to amend this Deed. No future landowner who has not been assigned such benefit shall be entitled to request any amendment to this Deed unless all other parties then entitled to amend this Deed unanimously agree otherwise.
- 26. Any party may at any time require the preparation, execution and registration of a Deed of Covenant containing any or all of the restrictions and obligations detailed in this Deed. In respect of such Deed of Covenant:
  - a. The parties will do all things reasonably necessary to promptly prepare, execute and register the Deed of Covenant against the relevant certificates of title, including procuring mortgagee consents if required.
  - b. It is intended that such Deed of Covenant fully reflect the relevant provisions of this Deed so that such provisions are clearly enforceable in a court of law. The parties will agree to any amendment in wording required to achieve that provided that such amendment in wording does not change the intent of the provisions of this Deed.
  - c. Each party will meet their own legal costs.
- 27. The parties acknowledge that issues are in future likely to arise in relation to the matters covered by this Deed which have not been fully anticipated at the time of completion of this Deed. The parties will act in good faith towards each other to resolve any such issues as they arise and to resolve any issues which arise between them at any time in relation to this Deed.
- 28. The provisions of this Deed are directly enforceable by each party against each other party through operation of law without reference to any resource management procedures.
- 29. As far as the Council is concerned, this Deed has been negotiated and finalised by the executive arm of the Council. The regulatory arm of the Council has not been involved in any way, and in particular the members of the Hearings Panel who are determining the Variation have not been involved. This Deed does not bind, restrict or in any way fetter the Council's regulatory powers and obligations under the Resource Management Act or any other relevant legislation.
- 30. Each notice or other communication under this Deed is to be in writing, is to be made by facsimile, personal delivery or by post to the addressee at their facsimile number or address, and marked for the attention of the person (if any) from time to time designated for the purpose by the addressee to the other parties. No communication is to be effective until received. A communication is deemed to be received by the addressee:

- a. in the case of facsimile, on the business day on which it is sent or, if sent after 5 p.m. (in the place of receipt) on a business day (or if sent on a non business day) on the next business day after the date of sending;
- b. in the case of personal delivery, when delivered; and
- c. in the case of a letter, on the third business day after posting by fast post.

31. Addresses for service of the Parties are as follows:

- a. **Jacks Point Limited:** C/- Darby Partners Limited  
Steamer Wharf Building  
Lake Esplanade  
P O Box 1164  
Queenstown  
Fax 03 441 1451
- b. **Henley Downs Holdings Limited:** C/- Macalister Todd Phillips Bodkins  
Level 3  
O'Connells Centre  
Cnr Beach & Camp Streets  
P O Box 653  
Queenstown  
Fax 03 442 8116
- c. **Dickson Stewart Jardine:** C/- Gallaway Cook Allan  
**Jillian Frances Jardine:** Corner Princes and High Streets  
**Gerard Brendon Boock:** P O Box 143  
Dunedin  
Fax 03 477 5564
- d. **Queenstown Lakes District Council:** 10 Gorge Road  
Private Bag 50072  
Queenstown  
Fax 03 442 7334

- 32. The warranties, undertakings, agreements and indemnities given under or pursuant to this Deed do not merge upon completion but remain enforceable to the fullest extent, notwithstanding any rule of law to the contrary.
- 33. No failure or delay on the part of any party to this Deed in exercising any power or right under this Deed shall operate as a waiver of that power or right, nor shall any single or partial exercise of such power or right to include any other or future exercise of the same, or any other right or power under this Deed.
- 34. If a final decision is made by a court that any term of this Deed is unlawful and unenforceable, it will be severed from this Deed to the extent that it is unlawful and unenforceable, and the rest of this Deed will remain in force.

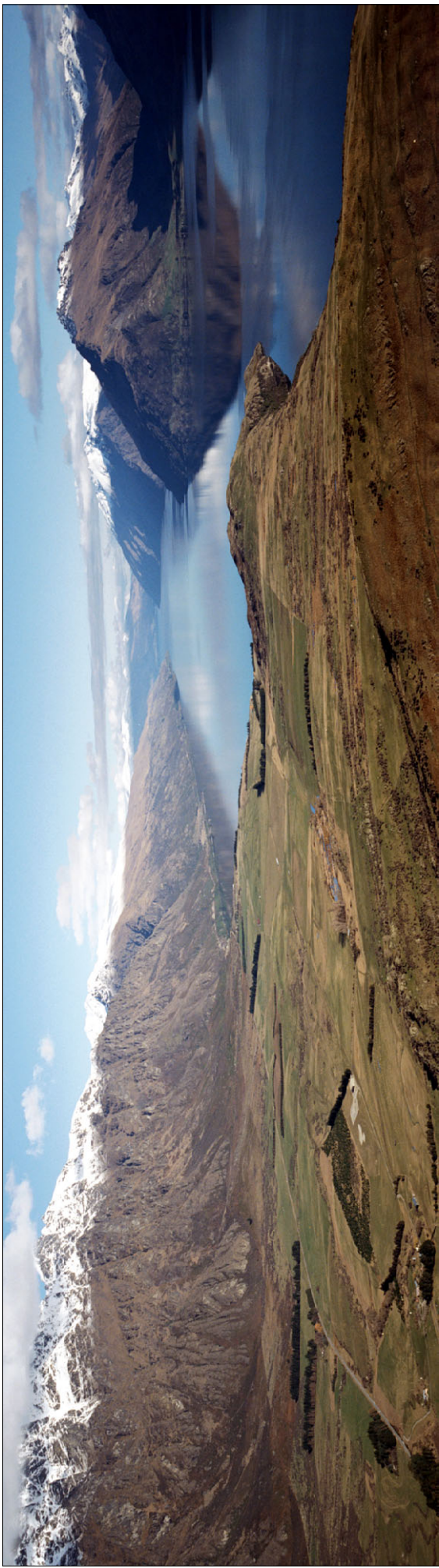
**Executed by** )  
**JACKS POINT LIMITED** )  
In the presence of: )

**Executed by** )  
**HENLEY DOWNS HOLDINGS LIMITED** )  
In the presence of: )

**Executed by** )  
**DICKSON STEWART JARDINE** )  
**JILLIAN FRANCES JARDINE** )  
In the presence of: )

**Executed by** )  
**GERARD BRENDAN BOOCK** )  
in the presence of: )

**Executed by** )  
**QUEENSTOWN LAKES DISTRICT COUNCIL** )  
in the presence of: )



# Jacks Point Stakeholders Deed Coneburn Development Controls

July 25, 2003



<b>1.</b>	<b>CONEBURN DEVELOPMENT AND DESIGN PHILOSOPHY</b>	<b>2</b>							
1.1	Introduction to Coneburn	2							7.4.1 Final Design Review Meeting
1.2	Objectives and Design Outcomes	2							7.4.2 Final Design Approval
1.3	Use of the Development Controls and Design Guidelines	2						7.5	Resubmittal of Plans
1.4	Development Models – Domestic and International	2						7.6	Council Approval
								7.7	Subsequent Changes
								7.8	Notice of Completion
								7.9	Design Review Schedule
<b>2.</b>	<b>DEVELOPMENT CONTROLS AND THE DISTRICT PLAN</b>	<b>4</b>							7.9.1 Pre-Design Conference
									7.9.2 Preliminary Design Review
<b>3.</b>	<b>URBAN DESIGN SETTLEMENT PRINCIPLES</b>	<b>4</b>							7.9.3 Final Design Review
3.1	Best Practice Urban Design	4							7.9.4 Building Permits
3.2	Principal Objectives	4							7.9.5 Construction Observations
3.3	Settlement Qualities	5							Application Format
3.4	Subdivision Design	5							
<b>4.</b>	<b>INFRASTRUCTURAL RECOMMENDATIONS AND CONTROLS</b>	<b>6</b>							<b>8. DESIGN REVIEW BOARD ORGANISATION</b>
4.1	Roading	6							8.1 Design Review Board Membership
4.2	Wastewater	6							8.2 DRB Administrator
4.3	Water Supply	7							8.3 Appointment of Members
4.4	Stormwater	7							8.4 Resignation of Members
4.5	Power Supply	7							8.5 Functions of the DRB
4.6	Telecommunications	7							8.6 Meetings
4.7	Operation and Maintenance	7							8.7 Compensation
<b>5.</b>	<b>SITE DEVELOPMENT AND LANDSCAPE CONTROLS - GENERAL</b>	<b>9</b>							<b>9. APPENDICES</b>
5.1	General Development and Design Considerations	9							Appendix 1
5.2	Site Planning Objectives	9							QLDC District Plan - Jacks Point Zone Provisions
5.3	Landscape Zones	9							Appendix 2
5.4	Grading and Drainage	10							Flow Chart - Design Review Board & Council Interface
5.5	Retaining Walls	10							Appendix 3
5.6	Driveway Areas	10							Schedule of Information for Submission to Design Review Board
5.7	Exterior Lighting	10							Appendix 4
5.8	Irrigation	10							Recommended Plant Species
5.9	Site Utilities	10							Appendix 5
5.10	Exterior Service Areas	10							Prohibited Species
5.11	Landscape Zone Planting Guidelines	10							Appendix 6
5.12	Signage	11							Design Guidelines - Tablelands
<b>6.</b>	<b>ARCHITECTURAL CONTROLS - GENERAL</b>	<b>11</b>							
<b>7.</b>	<b>DESIGN REVIEW PROCEDURES</b>	<b>12</b>							
7.1	Design Review Process	12							
7.2	Pre-Design Conference	12							
7.3	Preliminary Design Review	12							
	7.3.1 Staking	12							
	7.3.2 Preliminary Design Review Meeting	12							
7.4	Final Design Review	13							

## 1.0 Coneburn Development and Design Philosophy

### 1.1 Introduction to Coneburn

Coneburn is an area of land comprising approximately 5000ha and owned by 4 principal landowners:

- D.S. & J.F. Jardine (Remarkables Station) including Homestead Bay (2000ha)
- Jacks Point Limited (420ha)
- Henley Downs Holdings Limited (706ha)
- Department of Conservation (exact land area unknown)

This area has long been identified as a location to accommodate future growth in the Wakatipu Basin. The three principal private landowners of Coneburn believe that the intrinsic values of the land lie in the rugged dramatic and open nature of the landscape and that these values and qualities must be conserved and protected through a clearly articulated development philosophy and vision which embraces the following concepts:

- At least 95% of the area will be retained as open space including golf courses, reserves, revegetation zones, farmland, horticulture and rural uses general landscaping, wetlands etc.
- Only 5% building coverage within the area.
- Structure planning to ensure development is located in appropriate areas determined by comprehensive site studies.
- Strong emphasis on landscape protection in the form of management sub-zones aimed at protecting the landscape and natural character.
- Strong emphasis on creating and regenerating native vegetation.
- Improved public access to and along Lake Wakatipu.
- On site sewage treatment and use of renovated water for irrigation of landscape planting area's.
- To ensure certainty in respect of development and design outcomes, by implementing Development Controls and Design Guidelines.

These Development Controls have been shaped by the Coneburn Area Resource Study, (QLDC Oct 2002) which comprehensively analysed and assessed the land's physical and visual resource, culminating in a set of recommendations and management strategies for the landscape. These Development Controls are a direct response and reflection of that study.

### 1.2 Objectives and Design Outcomes

The principal objective behind the Coneburn development philosophy is to create exceptional living environments and village communities centered around open space and rural activities, natural values and recreation. This is encapsulated in the Variation 16 document and the resultant Objectives, Policies and Rules. In order to ensure that the vision can be delivered with a high degree of certainty in respect of architectural and landscape design outcomes, a set of Development Controls have been drafted, which address both the built and natural environments.

These Controls embrace the following broad principles:

- The Development Controls prescribe the characteristics of all development that will be seen from surrounding public areas.
- The Development Controls are more permissive for less visible sites, and for the strictly private outdoor environments immediately adjacent to all homes.
- The degree of prescriptiveness of the Development Controls is dependent upon an area's potential to absorb change. The greater the potential, the more permissive are the controls.
- The Development Controls achieve continuity in both Architecture and Landscape through the use of common elements and materials throughout Coneburn.

In order to achieve the desired design outcomes within each of Coneburn's different landscape zones, site specific Design Guidelines for building, landscaping and infrastructure will be evolved and submitted as part of resource consent applications for subdivision and development.

### 1.3 Use of the Development Controls and Design Guidelines

These Development Controls and supporting Design Guidelines are intended to provide guidance to everyone involved in all development – subdivision, new buildings, building additions, accessory structures, site work and landscaping, as well as any subsequent changes or alterations to previously approved plans.

Each developer in the Coneburn Area will be responsible to draft its own specific Design Guidelines and administer and enforce these through its own Design Review Board. These site specific Design Guidelines will provide another level of detail and prescriptiveness in addition to the general Development Controls contained within this document.

### 1.4 Development Models – Domestic and International

Extensive research has been undertaken to identify best practice development models, both domestically and internationally, which exhibit excellence in master planning and characteristics which have application to Coneburn.

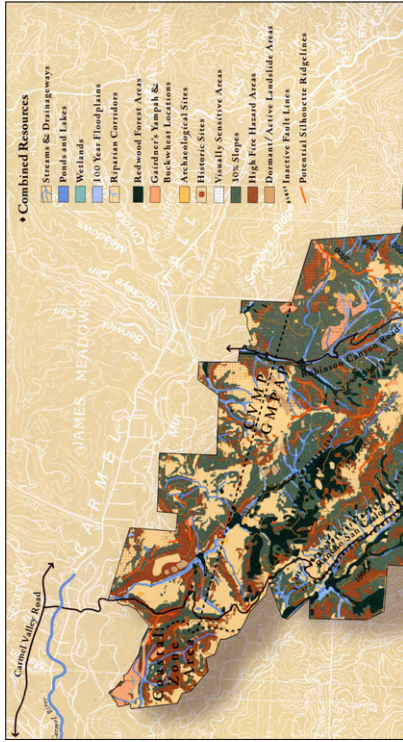
No one development contained all the qualities desirable for an integrated community, but each had characteristics worthy of reference:

Community / Residential Development

- Millbrook Resort – Queenstown New Zealand
- Sea Ranch – Sonoma County, California, USA
- Santa Lucia, "The Preserve" Carmel, California, USA

Village Development

- Whistler – British Columbia, Canada
- Colorado Mountain Communities in general e.g. Vail, Beaver Creek, New Copper Mountain etc



**Santa Lucia, California**  
Site Planning Driven by Extensive Site Analysis and Resource Studies



**Sea Ranch, California**  
Prescriptive Design Guidelines for both Architecture and Landscape



**Residential Example, Queenstown**  
Appropriate Architectural Response Using Local Stone and Grass Roof



**Beaver Creek, Colorado**  
Public Spaces



**Vail, Colorado**  
Pedestrian Focus



**Copper Mt., Colorado**  
Streetscape and Framed Views



## 2. DEVELOPMENT CONTROLS AND THE DISTRICT PLAN

Jacks Point Zone forms part of Section 12, Special Zones, in the QLDC Proposed District Plan which the Objectives, Policies and Rules for Jacks Point are clearly articulated in. These provide the broad framework for the Zone.

These Development Controls have been drafted by the Coneburn landowners to establish a common a set of design parameters to provide a high degree of certainty or predictability for design outcomes for both the built and physical environment. These add a further level of control as envisaged in the Implementation Methods of Jacks Point Zone.

A high degree of control already exists in the District Plan. Key control mechanisms exist on several levels; from the Objectives and Policies through to the Rules, and particularly the section relating to Assessment Matters. These are included in Appendix 1 (to be inserted when Jacks Point Zone is confirmed).

## 3. URBAN DESIGN SETTLEMENT PRINCIPLES

### 3.1 Best Practice Urban Design

The principles set out below represent commonly agreed principles that work to create a best practice urban development. These principles of the Urban Design theorists have been used to develop a best practice urban design for the development of village communities in the Coneburn area. The outcome of applying these principles will be the creation of traditional settlement patterns based on a permeable integrated road pattern with the buildings creating carefully articulated "street pictures".

- **Variety:** A wide range of opportunities encouraging economic vitality, accessibility for the greatest numbers, and diversity.
- **Concentration:** Creating a center of concentration increases the opportunity for variety and accessibility to amenities and resources
- **Permeability:** A permeable integrated road layout increases accessibility and walk ability.
- **Social Justice:** A variety of development within a compact area creates a democratic environment with equal access to amenities.
- **Empowerment:** The concept of participation in design of communities and the concept of communities controlling/maintaining their own environments; a sense of ownership; access to common community assets.
- **Robustness:** Creating environments and buildings that stand the test of time of time and can adapt to changing needs and uses.
- **Efficiency:** Adaptable designs which can be incrementally changed and improved.
- **Safety:** Safe streets for walking, cycling, public spaces overlooked by active building uses.
- **Public Realm:** Reduced auto-dependency, compact design, encouraging people to walk, socialise and use an expressed public realm of streets, parks and squares.
- **Recycling:** Encourage the recycling of materials through the provision of a community scheme.
- **Legibility:** Clear and understandable layouts of towns with defined streets and building markers.
- **Townscape:** Carefully arranged "Street – Pictures" with views and vistas to significant structures and spaces. A creation of a sense of place.
- **Art:** Expression of the humanity in the design by integration of art into the environment. A sense of identity.
- **Neighbourhood:** The basic building block of urban areas is the clearly defined neighbourhood.
- **Human Scale:** Enclosed public spaces and streets that do not intimidate through inappropriate heights.

### 3.2 Principal Objectives

To create village communities with low environmental impacts that seek to enhance the conservation of vegetation, streams, wetlands, and lakefront whilst respecting the majesty of the Remarkables Range:

- Ensure people's access to the Lake
- Protect views of the Lake and Mountains.

- Have an easily comprehended structure and a celebratory public realm.
- Be rich in rural associations
- Be distinct in urban design
- Be distinct in architectural design
- Contain interesting activity
- Be easy and pleasant to move around
- Have a diversity of village character and mix of citizens.
- Be ecologically sensitive
- Be sustainable and regenerative towards the environment
- Orientate pedestrian spaces and public places to the sun
- Important views of mountains and lake determine the positioning of buildings and streets
- Multiple walking routes, places, and spaces to intrigue visitors
- Keep vehicles and parking to the perimeter of the villages and parking to the rear of buildings
- Buildings used to define spaces, particularly in the village cores
- Create a minimal waste community through recycling initiatives

### 3.3 Settlement Qualities

The areas highlighted as being able to absorb change have the potential to accommodate different densities and numbers of dwellings, in a village form, depending on their location.

The aim of good urban design is to create a true townscape. There are three main aspects of such a design:

1. **Legibility of urban structure:** The ways in which people perceive, understand and react to the environment. Legibility concerns those qualities of a place that give it an immediate identity.
2. **Permeability of the environment:** The ability of people to flow through the environment, enjoy the streetscape, and connect with the amenities and their neighbours.
3. **Visual aspects:** Including urban space, squares, parks, patterns, facades, pavements, and roofline – the complexity of visual detail is expressed in the composition of the whole rather than the complexity of parts.

The overall development goal for the new development is to create the kind of quality living environment and sense of identity and community that was characteristic of traditional urban neighbourhoods. Essentially the design seeks to:

- Create a unique identity for each village in the development.
- Develop a variety of residential opportunities within the Coneburn area.
- Develop lifestyle opportunities for potential residents of the area.
- Diversify the range of opportunities available in the housing market.
- Demonstrate excellence in design.
- Create an opportunity for mixed use development to occur in areas of settlement concentration.
- Protect the view corridors to the lake and mountains from within the villages.

- Protect and enhance of the natural character of the lakefront, escarpments, tablelands and ephemeral streams.
- Restrict of building development and higher densities to the areas with highest potential to absorb change without significant adverse effects on the open rural character of the area.
- Create a strong and definite rural / urban edge to the villages.
- Protect ecological values and incorporate linked natural habitats into an open space network.
- Extend public access to the beach / shore and areas of recreational opportunity.

### 3.4 Subdivision Design

#### Principles

##### Sun

- Neighbourhood units oriented to maximise sunlight hours.

##### Views

- Neighbourhood units oriented to take advantage of views and vistas.

##### Pedestrian Circulation

- All neighbourhood units connect into open space reserves containing a pedestrian cycleway network linking neighbourhoods with the village.

##### Streetlighting

- Low level bollard lighting in the streets.
- Overhead lighting where pedestrian and vehicular traffic meet to achieve safety requirements. Overhead lighting chosen with limited light spill.

##### Services

- All services underground
- Above ground services e.g. telecom boxes, gas meters etc to be screened either by planting or structure. (Refer Sketch 1)

##### Roading

1. Main Access off SH6 – 40km/h speed limit, two way 6.0m CW, edge restraint to asphalt seal (i.e. flush concrete strip or gobis), no shoulder, grass swales on both sides. The road corridor will have to include power, telecom and water services and in parts a path for day use. The grass swales should be 300m deep and have slopes of 1 in 8, so will occupy 5.0m each side in flat country. So the road corridor will be 6.0 plus 0.5 shoulder each side plus 5.0 x 2 plus services corridor say 2.0 plus grass footpath say 1.5m = approx 20m. If avenue tree planting is also to be provided some additional width would be required.
2. Residential street - less than 150 dwelling units, 30 or 40km/h, two way, edge restraint to 2 coat chip seal, no shoulder, grass swales on both sides. 5.0m or 5.5m CW with no on street parking, 8.0m with on street parking. So the road corridor would be 5.0 to 5.5m CW plus 0.5 shoulder each side plus swales 5.0m x 2 plus services corridor say 2.0m, off road footpaths = approx 18.0m.
3. Minor cul de sacs including tablelands - up to 20DU speed limit 30km/h, edge restraint, no shoulder, grass swales 250mm deep 1 in 8 slope, services corridor 2.0m, grass path 1.5m, 4.0m CW one way with passing bays. Other pavement treatments exposed aggregate or natural stone will be used at times throughout the zone. The road corridor would be 4.0, plus 4.0m swales x 2 plus 2.0 services plus 1.5m path = approx 16m.

#### *Landscape Enhancement*

Planting of appropriate vegetation for amenity and ecological purposes depending on landscape unit and location. Indigenous plant species will be used exclusively for landscaping in the tablelands and lake escarpment.

## **4. INFRASTRUCTURAL RECOMMENDATIONS AND CONTROLS**

The following broad overview of infrastructural services (water supply, sewage, stormwater, roading, power supply and telecommunications) has been compiled for the Coneburn area.

### **4.1 Rooding**

The primary access to all properties is from SH6, which is a limited access road. Any access, driveway or road intersection will need the approval of Transit New Zealand. Transit will require all access to new development to be from an existing local road or approved new local road. Transit will also limit the number of new road intersections and will require adequate sight distances (330m at 1.5m height) and adequate separation of road intersections. It is intended to create a new intersection for Jacks Point development. This new entry will serve all of Jacks Point and Woolshed Bay developments. The existing Woolshed Road intersection may be adequate to serve the Henley Downs area or an additional intersection could be planned in conjunction with Transit NZ.

It is expected that all on-site roading for the Coneburn area will be private and that the design philosophy, emphasising soft engineering design principles, will be the model for all roads in the Coneburn area.

### **4.2 Wastewater**

The proposed system is on-site decentralised wastewater management serving clusters of housing. The extensive soils investigation already undertaken within the Jacks Point property supports the proposed wastewater system and it is reasonable to expect the neighbouring properties to have similar soil conditions. It will however be necessary to confirm this by full field investigation and testing of the existing soils in the neighbouring properties.

The proposed system of wastewater management is expected to be suitable for all residential areas due to the relatively low density of the proposed developments. However for the more intensive village areas an alternative form of treatment and disposal may be necessary but still contained on site. Each separate disposal of treated effluent will require a consent from the Otago Regional Council.

Each developer within the Coneburn area will be responsible for investigation, design, consents and construction of their wastewater management systems. Soil conditions within each property will dictate variations in design, but the design philosophy should be consistent across the whole area. This will enable a single operation and maintenance company to run all of the systems thereby achieving an efficient economy of scale.

In considering options for disposal of wastewater the strong cultural requirement and the growing community preference for disposal to land rather than to water should be respected.

It will be necessary to ensure that on site disposal of treated wastewater cannot contaminate any existing or proposed water supply.

#### 4.3 Water Supply

The proposed water supply for Jacks Point comprises a lake intake in Woolshed Bay at 309m low lake level, a buried pump chamber/wet well, rising main and storage in a natural fold in the hill at 455m near the summit of Jacks Point. Treatment by filtration would be undertaken adjacent to the reservoir. This would remain a private system operated by a management company for the residents.

It would be relatively easy to expand this proposed scheme to include all of the Coneburn area. The source of water (Lake Wakatipu) has no capacity limitations for the quantity required and it would only be a matter of sizing the components (pumps, pipes, storage volume) to suit the higher demand and to extend the reticulation throughout the area to be served. Some areas within Henley Downs may be too high to serve from the proposed reservoir on Jacks Point (25m absolute minimum working head at each building site). Any such areas can be provided with a local pressure zone relatively easily by pressure boosting or pumping to a higher level.

The larger supply area will result in greater efficiencies for the capital works and the on-going operation and maintenance.

#### 4.4 Stormwater

It is expected that stormwater would be directed to natural watercourses and streams, all of which discharge into either Lake Wakatipu or the Kawarau River (at the northern end). Water quality is an issue and it would be necessary to install pollution interceptors for runoff from carparks to intercept runoff from first flush rainfalls.

These watercourses, although dry for most of the year, are fed by reasonably large catchments and the small additional flows from the proposed development will have little impact. Furthermore it is intended that the stormwater design will incorporate features such as grassed waterables and landscape retention ponds that will assist in recharging the waterable and to filter any runoff as well as reducing the peak flows.

It is recognised that there is some potential risk of flood flows from these streams and watercourses due to the short and very steep catchments, which makes them vulnerable in the event of high intensity short duration rainstorms. The potential flood plain or channel containment works need to be identified as part of the land use planning.

#### 4.5 Power Supply

There is sufficient capacity in the grid exit point (GXP) operated by Transpower from 110kv lines to cope with the expected load increase of up to 1000 lots. However the 11kv feeder lines into the area are at 50% capacity. Therefore, an upgrade of the capacity into the area will be required at some time during the development period.

Long term power supply planning has identified the need to construct a zone substation in the Commonage to provide greater security of supply to the Queenstown CBD. One option is to link an 11kv feeder cable to the western end of Kelvin Heights to provide greater capacity and a backfeed potential to the CBD. This cable could be extended along the eastern lakeshore by Deer Park Heights, into the Coneburn area and back into the existing 11kv overhead lines to supply the capacity required. There are other options and the

planning has not advanced sufficiently to determine which option will best suit the growth of the whole area.

#### 4.6 Telecommunications

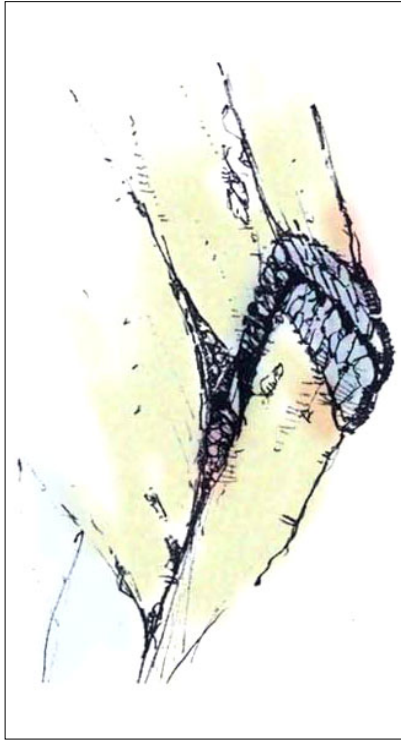
There is an existing fibre optic cable that extends to the Lakeside Estates development has very high capacity to serve future development. It is not expected that there would be any restriction on the expansion of that system to serve development in this area.

#### 4.7 Operation and Maintenance

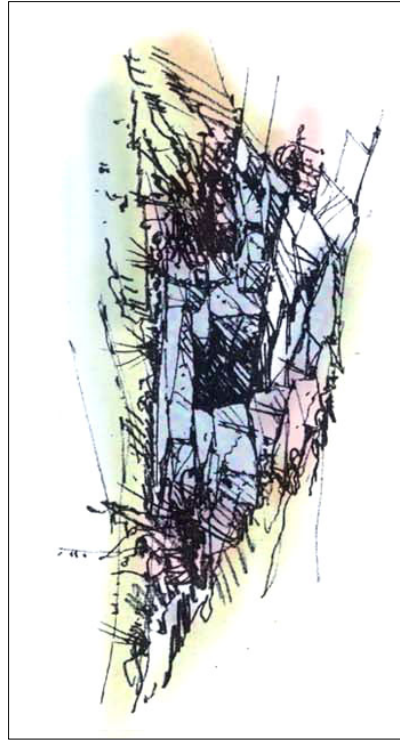
It is intended that the developers will set up an operation and maintenance management company to run the on-site roading, wastewater, water supply and stormwater infrastructure. This will include extensive remote monitoring and alarm systems on all facilities such as pumps, reservoirs, treatment plants etc. It could also include the on site power and telecom reticulation.



**SKETCH 1 - THIS**  
Drainage Utilises Natural Materials and Existing Topography



**SKETCH 2 - NOT THIS**  
Drainage Unnatural and Artificial Looking



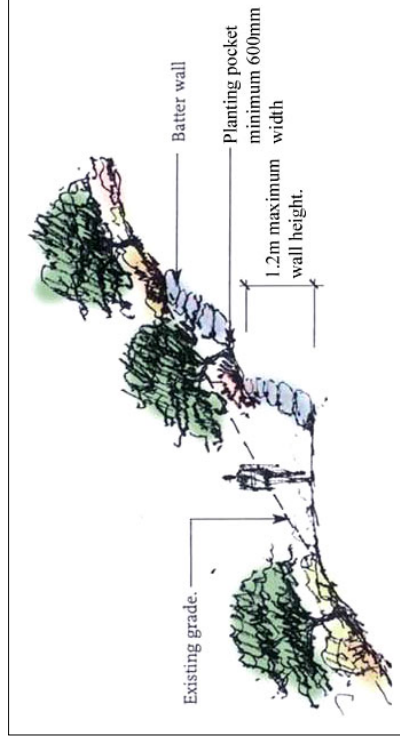
**SKETCH 3**  
Headwalls Utilise Natural Stone. Metal Pipe Ends are Concealed, Stone Placed in Natural Pattern to Blend Headwall with Site



**SKETCH 4 - THIS**  
Driveway Grading Blends with Existing Contours



**SKETCH 5 - NOT THIS**  
Driveway Grading too Abrupt



**SKETCH 6**