

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of a further submission to Stage 2 of the  
Proposed District Plan  
**BY** **MILLBROOK OWNER-MEMBERS  
COMMITTEE**

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**NOTICE OF APPLICATION TO STRIKE OUT SUBMISSION**

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**Dated: 17 August 2018**

**TODD & WALKER** law  
LAWYERS | NOTARY PUBLIC

Solicitors:

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**To: The Hearings Panel**

1. R & M Donaldson (“**Applicant**”) (submitter #2229) applies to have a submission to Stage 2 of the Queenstown Lakes Proposed District Plan struck out pursuant to section 41D of the Resource Management Act 1991 (“**Act**”).
2. The application relates to a further submission filed by the Millbrook Owner-Members Committee (“**Millbrook Owners**”) purportedly in support of a submission by Millbrook Country Club Limited (“**Millbrook**”). A copy of the Millbrook Owners’ submission is attached to this notice as **Appendix 1**.
3. The Millbrook Owners’ submission seeks the removal of Lot 3 DP20693 (“**the Donaldsons’ land**”) from the Wakatipu Basin Lifestyle Precinct.
4. The application to strike out the submission is on the following grounds:
  - a. On 26 July 2018 the Queenstown Lakes District Council (“**Council**”) gave notice of an addendum to its Summary of Submissions relating to submissions made by Millbrook and Streat Developments Limited. Parts of these submissions had been omitted from the original Summary of Submissions. The Council allowed further submissions to be filed by 10 August 2018 in support of or opposition to the parts of the submissions that had been omitted from the Summary of Submissions.
  - b. A copy of the Council’s notice is attached as **Appendix 2**. The parts of the Millbrook submission that had been omitted from the Summary of Submissions is attached as **Appendix 3**.
  - c. No part of the Millbrook submission that was omitted from the Summary of Submissions relates to the zoning of the Donaldsons’ land either by reference to the Donaldsons as owners, its legal description, or by identifying the Donaldsons’ land as areas A, B or C. The rezoning of such land as sought by the Millbrook Owners is therefore not ‘on’ or relate to the parts of the Millbrook’s submission that were omitted from the Summary of Submissions. It is not open for a further submitter to widen the scope of the submission.
  - d. Further in seeking to rezone the Donaldson’s land the Millbrook Owners’ submission refers to the submission of David Shepherd (#2135). There is no scope for the Millbrook Owners to seek relief relating to such submission when no part of the Millbrook submission omitted from the Summary of Submissions made any reference to the Shepherd submission.
  - e. In order to file a submission seeking a rezoning of the Donaldsons’ land the Millbrook Owners would have had to seek a waiver from the Hearings Panel to file a late submission. No such waiver has been sought and given hearings on the Donaldson submission have already taken place it would be inappropriate for one to be granted.
5. On the basis of the above the Applicant seeks the Millbrook Owners’ submission be struck out as to allow the submission would be an abuse of process pursuant to s 41D(c) of the Act.

Dated this 17<sup>th</sup> day of August 2018



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G M Todd/B B Gresson  
Counsel for R & M Donaldson

## Queenstown Lakes District Council Proposed Stage 2 District Plan Change for the Proposed Wakatipu Basin Lifestyle Precinct

Further Submissions in respect of Submission #2295, Millbrook Country Club Ltd, partially omitted from the initial Summary Schedule and notified by way of Public Notice 27 July 2018.

Submitter: Millbrook Owner-Members Committee

May it please the Hearing Panel:

In relation to Area A:

1. With reference to Paragraph 1 of the MCCL submission, we do not wish to make a further submission.

In relation to Area B

2. With reference to Paragraph 2 of the MCCL submission we support that part of the submission in which MCCL contends there are already an appropriate number of building platforms above 360 masl to 370 masl on this designated land.
3. Given that the water race on Lot 3 DP20693 (the Donaldson Farm) is on a contour on or about 440 masl and the north facing basin referred in the Shepherd submission #2135 sits between contours 420 masl to 440 masl we say that the boundaries to Area B should be extended to include all of Lot 3 DP 20693 so as to remove the Donaldson farm from the WBLP zone to ensure that no further building platforms sit above the 360 masl to 370 masl contours.
4. Further building platforms on that land would be inconsistent with the assertion of the MCCL submission and inconsistent with the objectives of the Proposed Plan because such development would not *maintain the landscape and rural amenity*, nor the *visual amenity* and would compromise *the sense of openness and spaciousness*.
5. In that regard we draw attention to Paragraph 4 of the Shepherd submission #2135 in which it was submitted that:

It can be readily seen that the incursion of relatively intense residential development on this land would create the visual impression of a continuous and therefore significant body of residential development stretching from the Millbrook residential areas up to the visible ridge line of the hills behind. Such development is not consistent with or compatible to a rural landscape.

In relation to Area C

6. With respect to Paragraph 3 of the MCCL submission, we do not wish to make a further submission.

In relation to Areas A, B and C

7. With respect to Paragraph 4 of the MCCL submission we support the submission to the extent that if the extended boundaries of Area B as we have outlined above are not adopted, the land should retain its current Rural General zoning as provided under the Operative District Plan or be rezoned to the proposed Rural Amenity.

Hearings: The submitter wishes to be heard in support of this submission

Address for service: c/- Grant Higgins,  
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Arrowtown  
Email: [gdhigginz@gmail.com](mailto:gdhigginz@gmail.com)  
Phone: 027 417 7442

**Queenstown Lakes District Council Proposed District Plan – Stage 2  
Omission in Summary of Decisions Requested – Part of the Submissions from  
Millbrook Country Club Ltd (#2295) and Streat Developments Ltd (#2311)**

On 12 April 2018 Queenstown Lakes District Council publicly notified the availability of a summary of decisions requested and further submission period to the Proposed District Plan - Stage 2.

Queenstown Lakes District Council now gives notice on **Thursday 26 July 2018**, of an addendum to the Summary of Decisions Requested relating to submissions made by Millbrook Country Club Ltd and Streat Developments Ltd during the original submission period. Although full copies of these submissions were made publicly available at the time of the original notification, part of each submission was omitted from the original summary of decisions requested.

The addendum and a copy of the parts of the submissions it relates to are now available for inspection at:

[www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-2/submissions-stage-2](http://www.qldc.govt.nz/planning/district-plan/proposed-district-plan-stage-2/submissions-stage-2).

Free online access to the addendum is available at QLDC Libraries and Offices.

Further submissions can now be made in support of or in opposition to this part of Millbrook Country Club Ltd and Streat Developments Ltd's submissions. **The closing date for these further submissions is Friday 10 August 2018.**

**Who can make a further submission?**

The following persons may lodge a further submission:

- (a) Any person representing a relevant aspect of the public interest; and
- (b) Any person that has an interest in the proposed plan greater than the interest that the general public has; and
- (c) The local authority itself.

**What can a further submission cover?**

Further submissions must be limited to matters **in support of or in opposition** to a matter raised in an original submission.

**How do I make a further submission?**

**Via Email:** [pdpsubmission@qldc.govt.nz](mailto:pdpsubmission@qldc.govt.nz) (subject line: Proposed District Plan Further Submission)

**By Post:** Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348, Attention: Proposed District Plan Further Submission

Written submissions must follow Form 6 as prescribed by the Resource Management Act 1991. This form is available from the locations listed above.

All further submissions must be received by the Council no later than 10 working days from the date of this notice being **10 August 2018**.

You must serve a copy of your further submission on the person(s) who made the original submission(s) that your further submission relates to no later than 5 working days after providing Council with a copy.

**Not sure whether you can make a further submission?**

A duty policy planner can help - just call Council on 03 441 0499 (Queenstown) or 03 443 0024 (Wanaka).

## Form 5

### Submission on Publicly Notified Proposal for Policy Statement or Plan, Change or Variation

#### Queenstown-Lakes District Council Proposed District Plan (Stage 2) Chapter 24 – Wakatipu Basin

Clause 6 of Schedule 1, Resource Management Act 1991

**To:** Queenstown Lakes District Council

**Address:** Sent via email to: [services@qldc.govt.nz](mailto:services@qldc.govt.nz)

**Name of Submitter:** Millbrook Country Club Ltd (MCC)

**About the Submitter:** MCC is the owner and operator of the Millbrook Resort, an award winning, five-star resort situated near Arrowtown. Millbrook opened in 1993 and has developed into a world class recreational resort and lifestyle community. It currently comprises a 27-hole championship golf course, driving range, restaurants, a spa facility, with managed accommodation, comprehensive guest services and approximately 265 private dwellings.

The resort encompasses around 270 hectares of land, including land recently acquired to enable a western expansion of the zone. That expanded area enables the completion of a further 9 golf holes (resulting in 2 x 18-hole championship quality golf courses) and further residential units.

MCC has worked closely with QLDC on the preparation of the new Millbrook Zone for the Proposed District Plan. On 18 October 2017, the Council notified its decision to approving the re-zoning and amendments to the Millbrook Resort Zone. This decision is the first decision on the Proposed District Plan.

MCC has a proven track record as a responsible developer. It is a major contributor to the District's tourism industry and is one of the largest employers in the region with an annual pay roll in excess of \$8m. Indirectly, it is a significant contributor to the local construction and service sectors. Analysis undertaken in the preparation of the District Plan and referenced in the Section 32 analysis for the Millbrook Zone sets out how MCC's plans to expand its operation to include an additional 9 golf holes with associated development will provide substantial economic benefits to the Wakatipu Community.

**Trade Competition:** The submitter cannot gain an advantage in trade competition through this submission.

**Submission:** The Millbrook Resort Zone is identified as a Special Zone in the Proposed District Plan.

The values and qualities of Millbrook are derived from its location in amongst the spectacular scenery of the surrounding landscape.

The design principles of MCC have consistently sought to achieve a high-quality resort which integrates with the surrounding landscape. Council's decision on Chapter 43 – Millbrook, confirmed that the Chapter 43 rules would ensure a high standard of amenity for both the residents of the zone itself and those in the surrounding area.

The recent decision on Chapter 43 – Millbrook includes carefully located golf holes and residential buildings on sites that have minimal off-site landscape effect. Part of this re-zoning has included the identification of 'Landscape Protection' Activity Areas, being those more elevated areas that are publicly visible from distant locations.

Chapter 24 of the Proposed District Plan introduces a variation to the zoning of the land that includes and surrounds the Millbrook Resort Zone. This submission addresses the re-zoning of land to the west and south of the Millbrook Resort Zone that has been included in the Wakatipu Basin Lifestyle Precinct (WBLP).

Land Parcel	Legal Description	Owner	Proposed Zoning	Relief Sought
A	Lot 2 DP 310442 Lots 1-2 DP 319853 Lots 1-2 DP 343305	R & H Trust Co. (NZ) Limited	Part WBLP and part WBRAZ	A reduction in the extent of the WBLP
B	Lot 101 DP 475822 Lot 1 DP 475822 Lot 2 DP 475822	XRAY Trust Limited	Part WBLP and part WBRAZ	A reduction in the extent of the WBLP
C	Pt Lot 3 DP 5737	Waterfall Park Developments Limited	Part WBLP and part WBRAZ	A reduction in the extent of the WBLP



**Relief Sought:** MCC seeks the relief referred to above or such further, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.

**Hearings:** The submitter wishes to be heard in support of this submission.

**Address for Service:** Millbrook Country Club Ltd  
C/- John Edmonds + Associates Ltd  
Email: [reception@jea.co.nz](mailto:reception@jea.co.nz)  
Phone: 03 450 0009

**Date:** 23rd February 2018