

**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 Hearing Stream 9 –
Resort Zones

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL REGARDING THE MILLBROOK ZONE, CHAPTER 43**

14 November 2016

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) to request that the Hearing Panel (**Panel**) direct that submissions supporting and/or opposing the zoning of the 'Dalgiesh Farm' component of the notified Millbrook Zone be heard as part of Hearing Stream 9 Resort Zones.

Background

2. The notified Millbrook Zone, in Chapter 43 of the Proposed District Plan (**PDP**) includes the Dalgiesh Farm, as shown on Planning Map 26 (revised).¹ The Dalgiesh Farm was zoned Rural General in the Operative District Plan (**ODP**).
3. Chapter 43 as notified includes a Structure Plan at Rule 43.7 that applies across all of the notified Millbrook Resort Zone, including the Dalgiesh Farm.
4. A number of submissions² were received supporting and/or opposing the extension of the zone and structure plan, across the Dalgiesh Farm (**Millbrook Submissions**).
5. The Millbrook Submissions are 'rezoning submissions' as they raise the appropriateness of the Millbrook zone applying to the Dalgiesh Farm. Those in opposition, seek that the Millbrook Zone be removed from the Dalgiesh Farm land. Throughout the hearings process the Council's consistent approach has been to transfer all rezoning submissions to the rezoning/mapping hearing to be heard in 2017, and only address the submissions relating to the notified (text) provisions in the substantive hearings. In some instances, provisions that are so linked to a specific area of the District, have also been transferred by the Panel, to the rezoning hearings.
6. However, in this instance the Council considers that a different approach is required. The boundary of the Millbrook Zone is intrinsically linked to the notified Structure Plan that forms part of Chapter 43, as well as the notified Chapter 43 rules that refer throughout to different areas within the Structure Plan. The Dalgiesh Farm component of the notified Structure Plan is made up of the Golf/Open Space Activity Area (G), Residential Activity Areas (R14, R15

1 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Maps/Map-26-Speargrass-Flat-Millbrook-Revised-17072015.pdf>

2 See paragraph 10 below for a full list of the submitters.

and R16), and the Landscape Protection Area (LP). Consequently, all of the rules that refer to these activity areas are affected by the submissions opposing the extension of the Millbrook zone.

7. In addition, when the Millbrook zone is compared with the other two resort zones (Jacks Point and Waterfall Park) the above situation is sufficiently unique because:

- 7.1 the majority of submissions on the Jacks Point zone (Chapter 41) do not seek to alter the overall notified zoning, but the location, nature and scale of activities within it. These can be dealt with as submissions on the provisions. The residual submissions seeking that the Jacks Point zone be extended affect the land zoned Rural as notified and this will be heard in due course as part of the submissions on the Wakatipu Basin; and

- 7.2 there are two submissions on the Waterfall Park (Chapter 42). The submission by Kain Fround (19.25) generally supports the notified chapter. The submission by Ayrburn Farm Estate Ltd (430.14) seeks that the Waterfall Park zone be extended. The latter is clearly a rezoning request that affects the land zoned Rural as notified and this will be heard in due course as part of the submissions on the Wakatipu Basin.

8. For completeness it is noted that there are also submissions that seek Rural zoned land be rezoned Millbrook as part of their relief. The Council considers that these submissions should continue to follow the Council's normal approach and be transferred to the rezoning/mapping hearing. If those rezoning submissions were to be successful, it is anticipated that the Structure Plan for Millbrook would need to be extended to cover those additional areas.

Outcome sought

9. It is therefore respectfully requested that the Millbrook Submissions be heard in the Resort zone hearing in order to ensure that these submissions are efficiently and effectively heard. A Minute to this effect is respectfully requested, so that submitters clearly understand the scope and issues to be

heard, at the Resort Hearing Stream 9, currently scheduled for 13-17 February 2017.

10. The relevant submitters are:

Submitter Number	Submitter Name
541	Boundary Trust
234	Dan Egerton
14/1317	Gerald Siddall and Richard Tweedie
346	Jillian Egerton
1272	John Griffin
19	Kain Fround
818	Michael Hill Tournaments Limited
1266	Millbrook Country Club Limited (Millbrook); - Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust
696/1264/1302/1306	Millbrook Country Club Ltd
1291	Philippa Archibald
383	Queenstown Lakes District Council
446	Roger Donaldson
499	Skipp Williamson
558/559	Spruce Grove Trust
1298	Wakatipu Equities
1349	X-Ray Trust
1214	Z-Energy Ltd

DATED this 14th day of November 2016



S J Scott / C J McCallum
Counsel for Queenstown Lakes District
Council