

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

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of Resort Zone Hearing  
Stream 14 – Millbrook  
Zone

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**Memorandum of Counsel for Millbrook Country Club Limited  
(Millbrook), Submitter 2295 and 2605 and further submitter 2773**

**13 July 2018**

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**MAY IT PLEASE THE PANEL:**

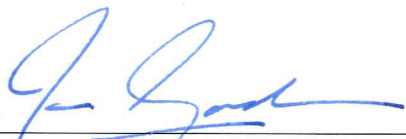
1. This Memorandum of counsel is on behalf of Millbrook Country Club Limited (Millbrook), submitter #2295, #2605 and #2773, and addresses four matters that arose during the hearing of Millbrook's submission on 12 July 2018.
2. First, submission #2295 includes the submission by Millbrook on the issues discussed by Mr Edmonds in his evidence as to the X-Ray Trust Land.
3. Second, the prominent rock outcrop on the Roche Moutonee on the Spruce Grove Trust land is visible from Millbrook locations including Streamside, The Avenue and the upper Malaghan Ridge cul de sac. The same outcrop is not visible from the lower Malaghan Ridge cul de sac.
4. Attached to this Memorandum is an image of the western end of the MRZ at the boundary with Williamson. The image includes the 440masl contour in the vicinity of the water race. This pertains to the evidence of Mr Edmonds in which he recommends an upper limit of 440masl be applied to the WBLP in that vicinity.
5. The final question is as to scope for the amendment suggested to the site specific rule volunteered by Mr Brown for R & M Donaldson in further submission #2797. The question was whether the Millbrook further submission provides scope for that change. The law as to scope questions in the context of a full review of a plan remains that laid down by a full bench of the High Court in *Countdown Properties (Northland) Ltd v Dunedin City Council*:<sup>1</sup> the local authority must consider whether any amendment goes beyond what is reasonably and fairly raised in submissions.

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<sup>1</sup> *Countdown Properties (Northland) Ltd v Dunedin City Council* (1994) 1B ELRNZ 150 (HC).

6. The Millbrook further submission #2773 does not go as far as specifically seeking to include the mitigation buffers with Residential Activity Areas, but it is a submission on a rule as to mitigation of the effects of residential development and it includes "...such further, consequential, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objects of the district plan and the purpose and principles of the Resource Management Act 1991".
7. Additionally, further submission #2815 (Shepherd) addresses submissions #2229 (R & M Donaldson) and #2773 (Millbrook) and does specifically reference the mitigation planting in the 15m buffers "...adjoining the residential areas of the Millbrook resort".
8. Accordingly, it is submitted that the suggested amendment is reasonably and fairly raised in submissions and the Panel has scope for the amendment to Mr Brown's rule as suggested.

**DATED** this 13<sup>th</sup> day of July 2018

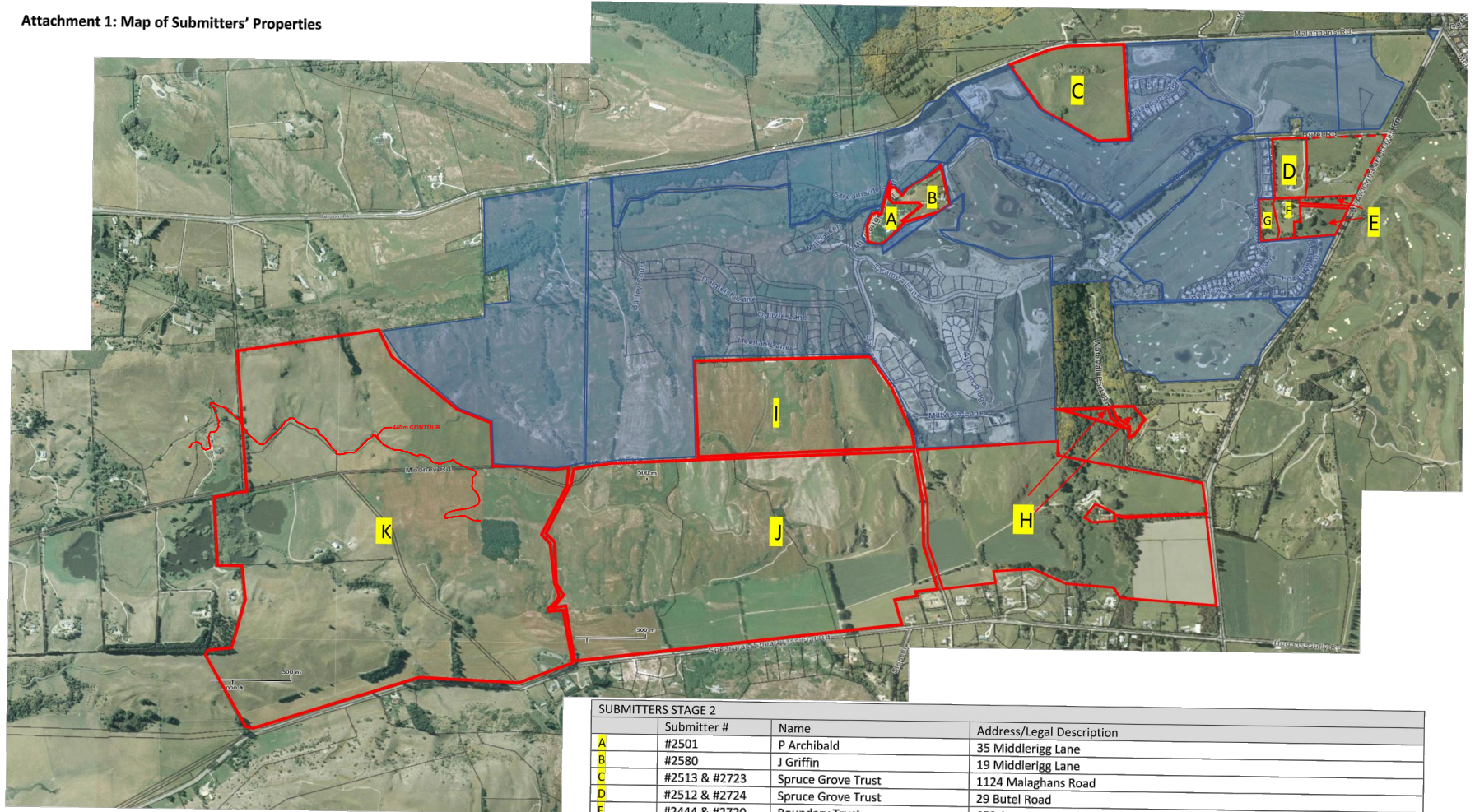


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I M Gordon  
Counsel for Millbrook Country Club Limited



**Attachment 1: Map of Submitters' Properties**



SUBMITTERS STAGE 2			
	Submitter #	Name	Address/Legal Description
<b>A</b>	#2501	P Archibald	35 Middlerigg Lane
<b>B</b>	#2580	J Griffin	19 Middlerigg Lane
<b>C</b>	#2513 & #2723	Spruce Grove Trust	1124 Malaghans Road
<b>D</b>	#2512 & #2724	Spruce Grove Trust	29 Butel Road
<b>E</b>	#2444 & #2720	Boundary Trust	459 Arrowtown-Lake Hayes Road
<b>F</b>	#2413	M & K Campbell	461 Arrowtown-Lake Hayes Road
<b>G</b>	#2419	J Egerton	9 Orchard Hill
<b>D, E, F, G</b>	Land which is the subject of submissions #2512 & #2724: Spruce Grove Trust, #2444 & #2720: Boundary Trust, #2413: M & K Campbell, and #2419: J Egerton. This land includes land at 9 Butel Road.		
<b>H</b>	#2388 & #2785	Waterfall Park Developments Ltd	343 Arrowtown-Lake Hayes Road, Lot 1 DP27503 and Lot 2 DP 507367
<b>I</b>	#2229	R & M Donaldson	Lot 3 DP 20693
<b>J</b>	#2619	X-Ray Trust Ltd & Avenue Trust	413, 433 and 471 Speargrass Flat Rd
<b>K</b>	#2272	Skipp Williamson	Lot 2 DP 360366, Lot 2 DP 27602, Lot 1 and 2 DP 27112, Lot 1 and 2 DP 319853, Lots 1 and 2 DP 313306, Lot 2 DP 310422