

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of the First Schedule of
the Resource Management Act 1991

BETWEEN **MILLBROOK COUNTRY CLUB LIMITED**

Appellant

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL ON A DECISION ON CHAPTER 43: MILLBROOK OF THE
PROPOSED DISTRICT PLAN
29 November 2017**

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TO: The Registrar
Environment Court
Christchurch

1. Millbrook Country Club Limited (Appellant) appeals the following matter:

Chapter 43: Millbrook of the proposed district plan (Proposed Plan).

2. The Appellant made a submission on Chapter 43 of the Proposed Plan.
3. On 18 October 2017 the Appellant received notice of the Decision dated 17 October 2017.
4. The specific part of the Decision that the appellant is appealing is **Rule 43.5.12 – Golf Course Development** (notified as Rule 43.5.11.) (the Rule).

Reasons for Appeal

5. The reasons for the appeal are as follows:
 - (a) the Respondent erred in its assessment, recommendations and conclusions in particular, failing to adequately consider whether the recommended provision is the most appropriate way to:
 - (i) implement the relevant objectives and policies of Chapter 43 of the proposed plan; and
 - (ii) achieve the purpose of the Resource Management Act 1991 (the Act).
 - (b) In an effort to ensure that plans for the Gully Planting Overlay, Open Planting Overlay, Earth Mounding Overlay, and Amenity Landscaping Overlay are implemented before development of residential units in the South Dalgleish part of the zone, the Respondent has inadvertently included the development of more than 27 holes of golf. This error has occurred without consideration for

the overarching need to simultaneously re-contour land for both the overlay and landscape works, and for the golf course development in order to minimise the impacts of construction, and optimise best practice cut to fill earthworks including the need to fill identified gully areas before undertaking the requisite planting and installing an irrigation reservoir with appropriate reticulation.

- (c) The Respondent has failed to adequately consider the potential environmental, practical and economic outcomes of rewording the Rule for the sole purpose of ensuring landscape mitigation works were implemented before development of residential units.
- (d) The Respondent has listed the important plan preparation and approval components of rule 43.4.16 within the Rule but has omitted reference or correct reference to the Earth Mounding Overlay and the Amenity Landscaping Overlay.

Issue

- 6. As notified the Rule required an applicant to achieve plan approval for implementation to be secured via a condition of consent or consent notice. No submitter identified any resource management concern with the Rule as notified, nor was the Rule specifically identified by any submitter.
- 7. The Rule was, however, the subject of consideration of the timing requirements for implementation of landscaping for development of residential units. The resulting amendments to the Rule (Rule 43.5.12) equally (and inadvertently) addressed a requirement for landscaping works to precede development of golf holes.
- 8. As amended the Rule is sub-optimal because it has the potential to confuse users, prolong construction effects; jeopardise successful planting outcomes and cause significant inefficiency.

Relief requested:

- 9. That the Rule be amended by separating out the development of residential units in the South Dalgleish part of the zone to a separate rule and reverting to the intention of the notified version of Proposed Plan rule 43.5.11 in respect of golf course development but with additional reference to the Earth Mounding Overlay and Amenity Landscaping Overlay to read as follows:

"Golf Course Development

Development of more than 27 holes of golf shall not take place without a plan being approved by Council and its implementation secured via a condition of consent or consent notice which addresses the following:

- Practical and reasonable restoration of ecological values in those areas identified within the Gully Planting and Open Planting Overlays; and
- Practical and reasonable measures within the Amenity Landscaping overlay to mitigate or avoid adverse effects on the amenity values enjoyed within properties beyond the Zone boundary; and
- An overview of measures that shall be employed to maintain or enhance the quality of water within Mill Creek and Lake Hayes. "

That part of the Rule that addresses development of residential units to remain but in a separate rule to read:

"Residential Development

Development of residential units in the South Dalglish part of the zone without prior certification by the Council of the implemented plans for the Gully Planting Overlay, Open Planting Overlay, the Earth Mounding Overlay and the Amenity Landscaping Overlay (refer Rule 43.4.16)."

Together with any necessary re-numbering within Chapter 43.

Alternative relief

10. The appellant further or in the alternative requests such other additional, amended, consequential and/or alternative changes to the proposed plan provision(s) as are considered necessary or appropriate to address the issues and concerns raised in this appeal.

Attachments:

11. The following documents are attached to this notice:
 - (a) a copy of the appellant's original submission (marked "A");

- (b) the report and recommendations of independent commissioners regarding Chapter 43/Millbrook dated 1 September 2017 (marked "B"); and
- (c) the Public Notice of Decision on Chapter 43: Millbrook (marked "C").

Dated the 29th day of November 2017



I M Gordon
Counsel for the Appellant

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TO: The Registrar of the Environment Court at Christchurch

AND TO: Appellant

AND TO: Respondent

AND TO: Submitters To Be Served

"A"

Form 5 Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

- To:** Queenstown Lakes District Council
- Address:** Sent via email to: 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 now comprises a 27-hole championship golf course, driving range, spa facility, restaurants, private dwellings as well as managed accommodation, and comprehensive guest services.
- The resort encompasses around 200 hectares of land and plans to expand into an additional 67 hectares of recently acquired land. MCC worked with QLDC on the preparation of the new Millbrook Zone for 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 Millbrook'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 and decisions sought:** The proposed district plan provisions this submission relates to, and the decisions sought, are as set out in the attached table. The relief sought would better serve the purpose of the Act than the proposed District Plan.

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
Phone: 03 450 0009

Date: 23rd October 2015

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
1	Definition of “urban Development”	<p>Replace definition with wording along the lines of:</p> <p>Means any development/activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any activity within an urban boundary as shown on the District Planning Maps.</p> <p><u>Means development and/or activities which:</u></p> <ul style="list-style-type: none"> a) <u>Creates or takes place on a site of 1500m2 or smaller; and</u> b) <u>Is connected to reticulated Council or community water and wastewater infrastructure; and</u> c) <u>Forms part of 10 or more contiguous sites which achieve both a) and b) above; but</u> d) <u>Does not include resort style development such as that within the Millbrook Zone</u> 	<p>As has previously been noted by the Environment Court, this definition is far from clear and is very difficult to administer. Given the large number of provisions that refer to urban development and urban growth boundaries in the proposed Plan, it needs to be improved. While MCC makes suggestions as to how it may be improved, its primary concern is that Millbrook should not be considered to entail urban development.</p>
2	Objective 3.2.1.4	<p>Amend the wording as follows:</p> <p>Objective - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests</p>	<p>The recognition that rural areas need to be able to diversify beyond farming is supported. The wording that is requested to be struck out is unclear, and is best deleted.</p>
3	New objective in Section 3.2	<p>Add new objective:</p> <p><u>To recognise and provide for appropriate use, development and subdivision of land for purposes which would contribute to the growth of the District’s visitor industry.</u></p>	<p>While this section makes reference to diversification of the economy, reference to growth of the visitor industry is largely limited to the town centres. It is appropriate that activities and developments such as golf tourism which contribute significantly to the District’s economy are recognised and provided for.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
4	Objective 3.2.5.2	Reword Objective as follows: Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. <u>Adverse effects on landscape values arising from the inappropriate use, subdivision and development of rural land are avoided, remedied or mitigated.</u>	MCC recognises that the management of landscape character and visual amenity values is critical to the sustainability of the Millbrook Resort Zone and the District-wide benefits able to be achieved by activities within the Millbrook Resort Zone. However, MCC is unclear as to how “mimimise” may be interpreted and is concerned that it may unjustifiably restrict development. “Avoiding, remedying and mitigating” are more readily understood terms in an RMA context. Reference to “inappropriate” development is also consistent with Section 6 of the Act and is therefore readily interpretable.
5	Policy 3.2.5.2.1	Reword the policy as follows: Identify the district’s Rural Landscape Classification on the district plan maps, and minimise avoid remedy or mitigate the <u>adverse effects resulting from the inappropriate of</u> subdivision, use and development on <u>of</u> these landscapes	MCC recognises that the management of landscape character and visual amenity values is critical to the sustainability of the Millbrook Resort Zone and the District-wide benefits able to be achieved by activities within the Millbrook Resort Zone. However, the focus of this policy should be on avoiding, remedying and mitigating <i>adverse</i> effects. Reference to “inappropriate” development is consistent with Section 6 of the Act and is therefore readily interpretable.
6	Policy 3.2.5.5.1	Delete: Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.	Giving preference to farming activity potentially conflicts with policy 3.2.1.4 which provides for diversification and is at odds with the purpose of the Act. The policy is best deleted as the subject matter is adequately addressed by other policies.
7	Policy 6.3.1.6	Amend as follows: Enable rural lifestyle <u>and resort living activities and development through applying zonings for these purposes</u> Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change.	This policy is not clear. The Millbrook resort zone is also a zone where “lifestyle” development is enabled with a rural environment. MCC considers that an appropriate description of the development it undertakes is “resort”, which the Plan should recognise and provide for. This includes activities such as golf tourism which can provide significant District-wide economic benefits.
8	Policy 6.3.1.11	Amend as follows:	MCC recognises that the management of landscape character and visual amenity values is critical to the sustainability of the

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
		Recognise the importance of protecting <u>managing</u> the landscape character and visual amenity values, particularly as viewed from public places.	Millbrook Resort Zone and the District-wide benefits able to be achieved by activities within the Millbrook Resort Zone. However, “Protecting” sets a very high bar which anticipates little if any change. Other proposed policies correctly acknowledge that the District is a dynamic place where land uses need to be able to adapt to changing economic and social drivers. It is appropriate to focus on “managing” landscape character and visual amenity values so to be clear that changes can occur where appropriate regard to landscape values is given.
9	Policies 6.3.2.2 and 6.3.5.1	Delete: Allow residential subdivision and development only in locations where the District’s landscape character and visual amenity would not be degraded. Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.	These similar worded policies do not appear to even anticipate minor effects on landscape values. The policies may limit a consent authority’s ability to contemplate the scale of adverse effects and consider them against other positive and adverse effects as part of a broader overall judgement. Given the large number of other policies relating to landscape management in this and other parts of the proposed Plan, these policies can be deleted without a need for revised policies to replace them.
10	Policy 6.3.2.5	Amend as follows: <u>Have regard to how</u> Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with <u>the</u> mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks <u>may degrade landscape character including openness.</u>	Again, this policy frames matters in a manner which seems out of keeping with a decision maker’s responsibility to consider and weigh a range of competing considerations. The ability to do this is important as the Plan’s desired outcomes may not always be mutually achievable. For example, planting of native species can have positive ecological effects but at the same time reduce the openness of the landscape. The revised wording MCC seeks would more appropriately provide for consideration of this matter.
11	Policy 6.3.5.2	Amend as follows: Avoid, <u>remedy or mitigate</u> adverse effects from subdivision and	It is inconsistent with the purpose of the RMA to suggest that all effects must be avoided. Remediation and mitigation will in

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
		<p>development that are:</p> <ul style="list-style-type: none"> Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and Visible from public roads. 	<p>many instances be appropriate, particularly when effects are minor or there are other positive effects that ought to be accounted for.</p>
12	Policy 6.3.8.1	<p>Amend as follows:</p> <p>Acknowledge the contribution tourism <u>activities, development and infrastructure</u> makes to the economic and recreational values of the District.</p>	<p>The District Plan should acknowledge the important economic and recreational benefits of tourism and in particular, golf tourism, to the District. The Act’s definition of infrastructure (and the lack of a definition in the District Plan) means these activities may not fall within the scope of the policy as proposed. Amendments to make this policy applicable beyond a narrow definition of infrastructure are appropriate.</p>
13	Policy 6.3.8.2	<p>Amend as follows:</p> <p>Recognise <u>the benefits of that and provide for commercial recreation and tourism related activities which enable the appreciation of District’s landscapes.</u> locating within the rural zones may be appropriate, where these activities, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.</p>	<p>MCC believes that the Plan needs to strike a balance between managing landscape values and providing opportunities for people to experience those values. Enabling such activities as golf tourism therefore has important social and economic benefits. MCC supports this policy (with amendments) which encourages such considerations.</p> <p>The plan is unclear in various locations, including this policy, in its use of the term “rural zones”. It is unclear what zones are “rural zones”, and MCC submits that term is best avoided. The rewording proposed is also considered to simplify the policy.</p>
14	Rule - 6.4.1.2	<p>Amend to clarify whether landscape classification objectives and policies apply to zones such as the Millbrook Zone.</p>	<p>MCC finds this rule ambiguous. For example, should it be interpreted that objective 6.3.5 and the policies that follow are not applicable to the Millbrook Zone?</p>
15	Chapter 43	<p>Entire Zone - Support</p>	<p>MCC supports the provisions in Chapter 43, Millbrook Zone. The provisions will enable MCC to carry out and expand its operations in a responsible manner with appropriate regard to landscape,</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
			<p>natural and heritage values. Significant economic and social benefits would be accrued to the wider Queenstown Lakes community through the confirmation of this zoning. This includes enabling activities such as golf tourism which can provide substantial District-wide benefits.</p>
16	Zoning maps	Amend the boundary of the Millbrook Zone as shown on the District Plan maps to reflect that shown on the structure plan within Chapter 43.	It is clearly an error that the Millbrook Zone boundary from the Operative Plan has been shown on the proposed maps. This should be corrected to reflect what is clearly shown in the Structure Plan in Chapter 43.
17	Chapter 27 Objectives and Policies	Reduce the number of objectives and policies in the Subdivision chapter.	<p>The Subdivision Chapter is in need of a significant overhaul. With approximately 60 objectives and policies proposed the inefficiencies of preparing AEEs which assess each of these has not been adequately assessed in the S32 report. Such an approach is also ineffective. The overall weight of each objective and policy is reduced due to the large number that need to be assessed.</p> <p>There is no apparent distinction in format between objectives and policies with both using similar grammar. Many objectives and policies read as methods and are inappropriately prescriptive. This can inhibit flexibility and stifle innovative design.</p> <p>The objectives and policies apply generally to all zones, even though the types of subdivision undertaken throughout the District are very diverse. In many instances certain policies and objectives appear irrelevant, but the current wording does not make this clear.</p>

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18	<p>Rules 27.4.3 and 27.1.12</p> <p>And</p> <p>Objective 27.7.17</p> <p>And</p> <p>Policy 27.2.17.1</p>	<p>Amend as follows:</p> <p>The following shall be Restricted-Discretionary-controlled activities:</p> <p>Subdivision undertaken in accordance with a the Millbrook Structure Plan or spatial layout plan that is as set out in Section 43 identified in of the District Plan. Discretion <u>Control</u> is restricted to:</p> <ul style="list-style-type: none"> • <u>Allotment sizes and configuration.</u> • <u>Property access.</u> • <u>Landscaping and vegetation.</u> • <u>Heritage.</u> • <u>Infrastructure and servicing (including stormwater design).</u> • <u>Natural and other hazards.</u> • <u>Open space or reserves.</u> • <u>Earthworks.</u> • <u>Easements.</u> <p>And,</p> <p>Move Objective 27.7.17 and Policy 27.7.17.1 to the “front end” of the chapter so that it sits with the other objectives and policies.</p> <p>And</p> <p>Delete 27.7.18.1</p>	<p>MCC considers that it is sufficient for subdivision to be a controlled activity within the Millbrook Zone. The outcomes provided for are prescribed by a detailed structure plan and MCC has a track record of high quality and environmentally responsible development. The certainty controlled activity status provides a landowner or developer (over restricted discretionary status) is a significant economic benefit which provides confidence for investment. The inefficiencies of lifting the activity status to restricted discretionary have not been adequately assessed in the Section 32 report.</p> <p>The subdivision provisions as they apply to Millbrook are set out in a confusing structure. It would be more straight forward to have the matters of discretion (or matters of control as is ought) set out in one location which follows the point where it is stated that subdivisions is a restricted discretionary (or controlled) activity.</p> <p>The Millbrook objectives and policies could be easily missed in their current location by a reader of the Plan. The Subdivision Chapter should be consistent with other chapters in the Plan with all objectives and policies set out at the beginning of the chapter.</p> <p>The proposed matters of discretion (or control as is sought) provide sufficient scope to the consent authority without the need to reference as is proposed in 27.7.18.1 to “The District Wide objectives and policies in Part 27.2”. This is inefficient, providing for an unnecessarily wide range of matters to be considered. Many matters raised in the objectives and policies are not appropriately applied to a development of the nature of Millbrook.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
19	Objective 26.5.1	<p>Amend as follows:</p> <p>Objective - To recognise and protect historic heritage features in the District from the adverse effects of <u>inappropriate</u> land use, subdivision and development.</p>	<p>By using wording consistent with Section 6 of the Act this should reduce uncertainty as to how the objective should be applied and ensure consistency with that overall purpose of the Act.</p>
20	Policy 26.5.2.1	<p>Amend as follows:</p> <p>Encourage the ongoing economic use of heritage buildings and sites by allowing adaptations and uses that do not <u>avoid, remedy or mitigate</u> permanently adversely a <u>effects on</u> heritage values and are in accordance with best practice.</p>	<p>The intention of this policy to enable adaptive reuse of heritage buildings is supported. The wording should be revised to ensure that minor adverse effects are provided for in instances of adaptive use. If such pragmatism is not provided for adaptive reuse may be impossible, which would be a counteractive to the protection and enhancement of heritage values.</p>
21	Rule 26.6.3	<p>Delete:</p> <p>Demolition – Works that result in damage, substantial removal from the site, destruction of any, or all, significant elements of the historic fabric or characteristics of a building or feature, involving (but not limited to) the removal or replacement of walls, windows, ceilings, floors, roofs and any associated additions.</p> <p>or amend rule to make it unequivocal what constitutes “demolition” and to ensure that minor alterations do not fall under this rule.</p>	<p>This rule is too subjective. “Damage” should not fall under the definition of “demolition” and “significant elements” cannot be readily interpreted. This will make determining the activity status of a consent difficult or impossible. If a satisfactory definition of “demolition” cannot be settled upon it should be sufficient to rely on Rule 26.6.5 which addresses external alterations.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
22	Rule 26.6.5	<p>Amend as follows:</p> <p>External alterations <u>to buildings listed in table 26.9</u> :</p> <p>Works affecting the fabric or characteristics of buildings and features. Additions to buildings such as signs, lighting and street furniture are also included...</p>	<p>Reference to “the fabric and or characteristics” invites a subjective assessment which is problematic in determining whether a consent is needed and the status of that consent. The rule can be simplified as suggested.</p>
23	Rule 26.6.6	<p>Amend as follows:</p> <p>Internal alterations <u>to buildings listed in table 26.9</u></p> <p>Works affecting the historic fabric or characteristics of a building including (but not limited to) the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building or object.</p>	<p>Reference to “the fabric and or characteristics” invites a subjective assessment which is problematic in determining whether a consent is needed and the status of that consent. The rule can be simplified as suggested.</p>
24	Rule 26.6.7	<p>Delete</p> <p>Development within the curtilage or setting³ Works including earthworks, signage, lighting, street furniture, new buildings and structures.</p> <p>³Setting means the area around and/or adjacent to a place of cultural heritage value that is integral to its function, meaning, and relationships. Setting includes the structures, outbuildings, features, gardens, curtilage, airspace, and accessways forming the spatial context of the place or used in association with the place. Setting also includes cultural landscapes, townscapes, and streetscapes; perspectives,</p>	<p>The definition of “setting” is too vague for determining whether a resource consent is needed and the status of that consent. For example, reference to landscapes and townscapes imposes consent requirements on an impractically large and ill-defined area. To justify consent requirements on sites beyond where a heritage feature is located would require a thorough section 32 analysis. Such an analysis should assess and potentially quantify costs and benefits. An analysis of this nature does not appear to have been undertaken.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
		<p>views, and viewshafts to and from a place; and relationships with other places which contribute to the cultural heritage value of the place. Setting may extend beyond the area defined by legal title, and may include a buffer zone necessary for the long term protection of the cultural heritage value of the place. ICOMOS New Zealand Charter 2010</p> <p>Or</p> <p>Amend as follows:</p> <p><u>Development within a 30m radius of a heritage feature listed in table 26.9.</u></p>	
25	Chapter 26 Table 5 (rules relating to archaeological sites.)	Delete table.	MCC supports responsible management of archaeological sites but questions the need to add regulations on matters which are already covered by specific legislation. Furthermore, the rules as stated are problematic, requiring a subjective assessment of the scale of effects in order to determine the activity status. It would be more efficient and equally effective to delete these rules. If necessary an advice note drawing attention to other relevant archaeological legislation can be introduced.
26	Policy 28.3.1.2 Objective 28.3.2 Policy 28.3.2.2 Policy 28.3.2.3	Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focused on significant natural hazards only.	There are widespread areas in identified on Council's hazard database as being subject to at least some natural hazard risk (for example the lowest risk categories of liquefaction risk). It would be inefficient and unjustified for all resource consents in such locations to be required to assess natural hazard risks. A more practical approach is to focus on the avoidance or mitigation of significant natural hazard risk.

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
27	Section 35 Temporary activities	Support	MCC supports the provisions as proposed to apply to temporary activities, particularly those that permit temporary events to take place. The use of permitted activity standards in this manner is an efficient approach.
28	All of the above	Alternative, amended, or such other relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions	

"B"

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and Recommendations of Independent Commissioners Regarding
Chapter 43 - Millbrook

Commissioners

Denis Nugent (Chair)

Calum MacLeod

Robert Nixon

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APPENDICES

Appendix 1: Recommended Chapter 43, including Structure Plan and Planning Map 26

Appendix 2: Tracked changes version of Chapter 43 to assist readers

Appendix 3: List of submitters, and whether the submissions are accepted, accepted in part or rejected

Appendix 4: List of submissions and related further submissions transferred to Wakatipu Basin Mapping Hearing Stream

1. PRELIMINARY

1.1 Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Council	Queenstown Lakes District Council
LPAA	Landscape Protection Activity Area
MCCL	Millbrook Country Club Ltd
MRZ	Millbrook Resort Zone
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement, Decisions Version dated 1 October 2016, unless otherwise stated
RPS	The Regional Policy Statement

1.2 Early Release of Recommendations

2. We have generally approached the release of our recommendations to the Council on the basis that the inter-related nature of the PDP text notified in Stage 1 and the zonings applied means that all our recommendations should be provided to the Council at one time.
3. In the case of Chapter 43 and the application of the Millbrook Resort Zone, by time we had completed the hearings it was apparent that all the evidence we had before us was aligned and contained no matters of contention between submitters or the Council. In addition, the Millbrook Resort Zone is, in the context of the notified Stage 1 provisions of the PDP, largely self-contained. While there are some matters, such as subdivision rules, which we are unable to make recommendations on at this stage, we are satisfied that overall the public interest will be better served by releasing our recommendations on the zone provisions and the application of the zone at this stage.

1.3 Hearing Arrangements

4. The hearings on Chapter 43 (heard concurrently with chapters 41 and 42) were held on 14 – 17 February 2017 inclusive in Queenstown.
5. The parties heard from on Chapter 43 were as follows:

Queenstown – Lakes District Council

- Sarah Scott (Counsel)
- Ruth Evans
- Hannah Ayres

Millbrook Country Club¹

- Ian Gordon (Counsel)
- Bernard (Ben) O'Malley
- John Edmonds
- Andrew Craig

X-Ray Trust²

- Louise Taylor (Counsel)

Roger Donaldson³

A letter was also tabled from Burton Consultants on behalf of Z Energy⁴

6. On 31 August 2017, a joint memorandum⁵ was filed by the Council and MCCL containing an agreed updated Structure Plan to replace the version included with the Council's reply, which had been updated by hand. There was no material difference between this version and the earlier reply version. We therefore concluded that there was no need to provide an opportunity for other submitters to comment on this version. We have, however, corrected spelling errors and deleted references on the filed Structure Plan to zones and other matters which do not form part of this recommendation.

1.4 The Structure (format) of Chapter 43 Recommendations

7. During the course of hearings on Chapter 43, we noted that there would be some benefits in rationalising the structure of the rules under 'Activities' as these, as notified, were set out in a somewhat random basis, within the seven Activity Areas, parts of which were in turn subject to 3 overlays. This was particularly the case with rules relating to 'buildings'.
8. The attention of readers of these recommendations is drawn to the fact that the text changes accompanying these recommendations⁶ will follow this amended format, with the original rule numbers as notified included in square brackets where applicable. In the text, reference to the provisions in Chapter 43 as notified in the PDP will be described as (e.g. "notified Rule X").
9. The rule numbers as notified and as renumbered in Chapter 43 as amended by these recommendations, are set out in Section 2.3 below.
10. We have broadly adopted the same structure and order in these draft recommendations as that contained in the Section 42A Report prepared by Ms Ruth Evans. This has the advantage of enabling readers of these recommendations to be able to follow a format consistent with the earlier Section 42A Report, with which submitters will be familiar, and also has the advantage of adopting a structure which groups 'like submissions' together. Consequently, we have also adopted the approach contained in the Section 42A Report of referring to whole submissions in the text of the recommendations, rather than individual submission points. The recommendations on individual submission points are set out in Appendix 3.

1 Submission 696 and FS1306

2 Submission 356 and FS1349

3 Submission 446

4 Further Submission FS1214

5 Joint Memorandum of Counsel on Behalf of the Queenstown Lakes District Council and Millbrook Country Club Limited Filing an Updated Structure Plan for Chapter 43 Millbrook Resort Zone, dated 31 August 2017

6 See Appendix 2 for a tracked changes version of the recommended chapter to assist readers.

11. A significant number of submissions were lodged on the basis that the extension of the MRZ over the Dalgleish Farm area was opposed, unless the submitters' land was also rezoned as part of the MRZ or as a Rural Lifestyle Zone. We make no recommendations on these submissions and they have been transferred for hearing under the Hearing Stream dealing with mapping issues in the Wakatipu Basin. Two memoranda from the Council and two minutes from the Panel confirmed this approach.⁷ We have listed these submissions in Appendix 4.
12. Given the complications arising from restructuring the rules framework, rather than showing all amendments as strikeout, the restructuring was undertaken prior to the tracked-changes version shown in Appendix 2 being created. To assist readers, in the tracked-changes version where the rule number has changed, the notified rule number is shown in square brackets ([]) below the revised number.

2. SUMMARY OF MAIN CONCLUSIONS AND NEW RULE NUMBERS

2.1 Structure Plan

13. Having considered the various issues raised in submissions, it is recommended that the Structure Plan be amended to show the following key changes to the PDP as notified, and these are shown in the Recommended Chapter 43 attached as **Appendix 1**. A number of minor non-substantive changes have also been made to improve the Chapter and to correct minor errors and omissions:
 - a. Updating the Structure Plan to the version submitted by MCCL dated 2 December 2016 (amended MCCL Structure Plan), including a further amendment to provide a Landscape Protection [Malaghans] Activity Area to maintain planting for visual screening along Malaghans Road.
 - b. The amended MCCL Structure Plan:
 - i. reduces portions of the southern-most Residential Activity Areas to reduce potential visual effects on neighbouring properties to the south;
 - ii. introduces an Earth Mounding Overlay to provide for appropriate recontouring;
 - iii. amends the layout of part of the Landscape Protection Activity Area and Golf Course and Open Space Activity Areas; and
 - iv. introduces Gully Planting and Open Planting Overlays in place of the Ecological Protection and Restoration Overlay.
 - c. Updating the notified Millbrook Resort Zone (**MRZ**) Chapter 43 to include:
 - i. an updated structure plan which provides for mitigation of adverse effects beyond the extension to the MRZ;
 - ii. more specific overlays to managing planting in gullies and open areas for ecological restoration purposes;
 - iii. earth mounding overlays to identify specific areas for earthworks to be undertaken to mitigate effects of development and land use on neighbouring properties;
 - iv. restriction on building within the earth mounding overlays;
 - v. introduction of specific height controls for residential activity areas within the extended MRZ;
 - vi. specifying the maximum number of dwellings within residential activity areas within the extended MRZ;

⁷ Memorandum of Counsel on behalf of QLDC regarding the Millbrook Zone, Chapter 43 dated 14 November 2016, Minute responding to the Council's Memorandum regarding the Millbrook Zone dated 16 November 2016, Memorandum of Counsel on behalf of the QLDC regarding submissions relation to the 'Dalgleish Farm' component of the Millbrook Zone dated 6 December 2016, and Second Minute concerning a request to transfer submissions on the Millbrook Zone to the February hearing dated 7 December 2016.

- vii. rules covering setbacks for particular residential activity areas;
- viii. restrictions on the number of buildings in the R18 activity area;
- ix. a rule requiring development to proceed in general accordance with the structure plan; and
- x. two new rules, to be numbered 43.4.15 concerning buildings in the new E1 and E2 Earth Mounding Overlay Areas, and 43.4.16 relating to amenity landscaping works.

2.2 Rule numbers as notified and as renumbered in our recommendations on Chapter 43.

Chapter 43 as notified	Chapter 43 as amended
43.4.1 Any activity	43.4.1
43.4.2 Farm buildings	43.4.9
43.4.3 Buildings, Village, R1-13, etc	43.4.10
43.4.4 Licensed premises, Village	43.4.7
43.4.5 Buildings, R14-16	43.4.11
43.4.6 Buildings, R 17,18	43.4.12
43.4.7 Buildings, Golf Course, OS	43.4.13
43.4.8 Residential activity	43.4.2
43.4.9 Visitor accommodation	43.4.3
43.4.10 Commercial and Community activities	43.4.5
43.4.11 Commercial Recreation activities	43.4.6
43.4.12 Golf courses	43.4.4
43.4.13 Buildings, Landscape Prot. Area	43.4.14
New Buildings in the E1 and E2 Overlay	43.4.15
New Amenity Landscaping Works	43.4.16
43.4.14 Helicopter take off/landing	43.4.17
43.4.15 Airports	43.4.18
43.4.16 Mining	43.4.21
43.4.17 Service Activities	43.4.19
43.4.18 Industrial activities	43.4.20
43.4.19 Licensed premises outside Village	43.4.8
43.4.20 Panel beating, spray-painting, etc	43.4.22
43.4.21 Forestry activities	43.4.23
43.4.22 Fibre glassing, sheet metal work, etc	43.4.24
43.4.23 Factory farming	43.4.25

3. STATUTORY CONSIDERATIONS

14. Counsel for the Council referred us to the statutory framework we should follow in making these recommendations⁸. We have followed the outline provided by the Colonial Vineyard case⁹ in coming to our conclusions, as discussed below.

⁸ Opening Representations/Legal Submissions for Queenstown Lakes District Council – Hearing Stream 9, 13 February 2017 at paragraph 1.6

⁹ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55 at [17]

15. With respect to Chapter 43, there are no objectives or policies in the RPS or Proposed RPS directly relevant to our consideration. The objectives and policies in Chapter 3¹⁰, to the extent they give effect to Part 2 of the Act, the RPS and the Proposed RPS, set the higher order which this chapter gives effect to. The focus of submissions on Chapter 43 were primarily involved with the extension of the zone over Dalgleish Farm, and internal configuration of the pockets of residential development within that and refinement of the rules framework. No significant 'higher order' issues arose with this chapter.
16. In undertaking our section 32AA requirements, we note that agreement was reached between one of the major submitters and MCCL on the nature and location of development within the extended MRZ, and also between the Council and MCCL. Other submissions in opposition sought that the zone not be extended, or that development be further constrained – in other words, that the MCCL be subject to a greater level of regulatory control. These issues have been resolved through the amendments made to the structure plan following the hearing.
17. We have approached our duties under section 32AA noting that under subsection (1) *“(a) a further evaluation is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes)”*.
18. Subsection (1)(c) requires that the assessment *“..... be undertaken at a level of detail that corresponds to the scale and significance of the changes.....”*
19. Subsection (1)(d) requires that either an evaluation report be made available or that the duties under Section 32AA (ii) *“be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section”*.
20. There is no change to the objective (43.2.1) relevant to this chapter. The only change to the policies was the removal of a policy purporting to control air emissions and protection of the water quality in Lake Hayes (outside the jurisdiction of the Council) and the addition of a policy requiring an integrated landscape management plan for the South Dalgleish part of the zone. The incorporation of Dalgleish Farm into the zone is an enabling provision, and the basis of the amendments made to the zone through the review of the plan and through Chapter 43. The requirement for a comprehensive landscape plan is considered appropriate by MCCL to maintain the existing high standard of amenity within the zone, and was not opposed by any party.
21. We were satisfied by the evidence that the extension of the zone over Dalgleish Farm, and the package of rules associated with it, will ensure a high standard of amenity for both the residents of the zone itself and those in the surrounding area. We consider this will be better managed through policies, rules, and a structure plan in Chapter 43, than through the alternative method of resource consents. This will provide greater certainty, a pattern of development which is coherent and consistent with the balance of the zone, and set clearly defined environmental outcomes in the plan itself. The specification of these expected outcomes through the amended structure plan and rules is considered to be effective and efficient.

¹⁰ We refer here to the Reply Version attached to Mr Paetz's Reply Statement dated 7 April 2016

22. We further consider that the plan provisions as modified by our recommendations will on balance provide for economic growth, housing and employment to a considerably greater extent than would be the case under the existing low productivity pastoral rural land use.
23. The framework, structure and majority of the provisions in Chapter 43 of the PDP Millbrook have been largely retained as notified, with amendments refining the original notified provisions but with more effective and detailed measures to address potential adverse effects.
24. In the following discussion, where we recommend accepting or rejecting a submission, our recommendations in respect of further submissions on such submission logically follow. We do not necessarily mention further submissions in the discussion but list our recommendations for each of them in Appendix 3.

4. BACKGROUND - OVERVIEW OF THE ISSUES

25. The purpose of the MRZ is to manage development in the Millbrook Resort. The zone provides for recreational, commercial, visitor accommodation and residential activities. At the time of the hearing there were approximately 260 privately owned homes and sections within the MRZ. All other land is owned by Millbrook Country Club Ltd (MCCL). Although all properties have freehold titles, MCCL retain ownership of all common land and infrastructure, and there is a Memorandum of Encumbrance registered on every residential title which provides comprehensive coverage of property and behaviour related rules. A Design Review Panel is in place whereby MCCL review and approve all proposed building designs, as a process separate from that under the District Plan.
26. Development in the MRZ provides for 450 dwellings, and has 27 holes of golf. The key issue arising through these hearings is the proposal by MCCL to incorporate a neighbouring 66 hectare block of land to the west, referred to as the 'Dalgleish Farm'. A primary driver behind this acquisition is to provide sufficient land for a further nine holes of golf, giving MCCL the ability to operate two full 18 hole golf courses. The notified structure plan and rules which include this extension also provide for 45-55 residential units over the Dalgleish Farm block, but the overall residential development capacity of 450 dwellings in the extended MRZ is proposed to remain unchanged. Put another way, approximately 10% of the eventual total number of dwellings within the MRZ are proposed to be sited within the Dalgleish Farm extension, with a corresponding reduction in the proposed number of residential units in the existing MRZ.
27. The Structure Plan for Millbrook Resort as notified, contained seven 'Activity Areas', many of which are not contiguous. These included 11 Residential Activity Areas within the existing MRZ, with a further six (R 13 – R18) proposed within the Dalgleish Farm extension.
28. Following the close of further submissions, and both during and following the hearing process, MCCL consulted with X-Ray Trust Limited¹¹ and Roger Donaldson¹² so as to address concerns raised in their respective submissions. X-Ray Trust Limited and Donaldson both own land directly south of the Dalgleish Farm. Following consultation with X-Ray Trust Limited, MCCL produced a revised Structure Plan and accompanying amendments to Chapter 43. This was supported by Ms Evans, with the exception of whether some of the agreed provisions should take the form of guidelines or rules (addressed later in these recommendations). On April 25,

¹¹ Submission 356

¹² Submission 446

2017, the Council received an email from Roger and Marliese Donaldson stating that “*our issues in respect of the MRZ extension over Dalgleish are now resolved*”. However the submitter will be separately pursuing their own zoning proposals through the mapping hearings stream.

29. In addition, during the course of the hearing, there were discussions between MCCL and Council Officers over outstanding matters of difference arising from the Section 42A Report. None of these amounted to ‘fundamental’ differences, but rather matters of detail.
30. Overall then, a high level of consensus was reached between all those who appeared at the hearings as to the final configuration of the Structure Plan for the MRZ, and the contents of Chapter 43. We were satisfied that the contents of the matters agreed between the parties were appropriate and would reduce potential adverse effects both within and beyond the boundaries of the MRZ. For these reasons, our discussion of the points raised under each of the ‘Issue’ headings below is only relatively brief.

5. ASSESSMENT OF SUBMISSIONS

31. 13 primary submissions and 12 further submissions with a total of 178 submission points were received on Chapter 43 - Millbrook.
32. The amended version of Chapter 43, including the Structure Plan, we are recommending is contained in **Appendix 1**.
33. Ms Evan’s Section 42A Report summarised submissions as falling under six headings, the order of which we have adopted, but reduced to five headings:
 - a. Issue 1 - Extension of the MRZ over Dalgleish Farm;
 - b. Issue 2 - Landscape and ecological matters;
 - c. Issue 3 - Development controls and activity status;
 - d. Issue 4 - Residential density and capacity; and
 - e. Issue 5 - Other matters and minor redrafting and reformatting amendments.

6. ISSUE 1 - EXTENSION OF THE MRZ OVER DALGLEISH FARM

34. The majority of submissions pertained to the proposed expansion of the MRZ to include Dalgleish Farm. This 66 ha area adjoins the existing MRZ to the east and Malaghans Road to the north. This block is flat or gently sloping adjacent to its northern (Malaghans Road) frontage, but rises steeply to the south and extends onto a broad elevated ridge which lies between Malaghans Road and Speargrass Flat Road to the south, towards Lake Hayes.
35. Within the MRZ, the Residential Activity Areas are incorporated into ‘pods’ generally surrounded by the Golf Course and Open Space Activity Area. Within the zone as a whole, it is intended that no more than 5% of the area of the MRZ be set aside for housing. As notified, the Dalgleish Farm extension to the MRZ comprised six Residential Activity Areas (R 13 – R 18), and four LPAA’s: adjacent to Malaghans Road; steep terrain across the centre of the block; and along the boundary with rural land to the south-west. The balance of the block was taken up with Golf Course and Open Space Activity Area. One of the Residential Activity Areas (R 18) included a historic cottage.

36. X-Ray Trust Limited¹³ opposed the zone expansion largely due to effects on landscape values and effects on their land to the south of the Structure Plan, and sought amendments to both Chapter 43 and the accompanying Structure Plan. The submission was generally opposed by MCCL¹⁴. Discussions between MCCL and subsequent amendments to Chapter 43 and Structure Plan (dated 2 December 2016) have resulted in this submitter now supporting the revised proposal¹⁵.
37. In her evidence, Ms Taylor explained the background to her client's original concerns. X-Ray Trust's property comprises approximately 58 ha of land on the elevated southern boundary of the Dalgleish Farm extension to the MRZ. The primary concerns of the submitter were the potential visual impacts of some of the residential development proposed on Dalgleish Farm as seen from X-Ray Trust's property.
38. Following discussions between X-Ray Trust and MCCL to address the concerns of the submitter, the following changes had been agreed to the Structure Plan and rules in the PDP as notified:
1. a revised Structure Plan including amended Residential Activity Areas, Earthworks Overlays, and the replacement of the Ecological Protection and Restoration Overlay with more detailed Gully Planting and Open Planting Overlays;
 2. a change to notified Rule 43.5.5 (renumbered Rule 43.5.6) to impose the following maximum building heights in these four Activity Areas:
 - R 14 – 6.5 m
 - R 15 – 6.5 m, except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5 m;
 - R 16 – 6.5 m
 - R 17 – 5.5 m
39. Ms Taylor noted that there had been disagreement, however, between advisers for X-Ray Trust and MCCL on one hand, and the Council on the other, as to whether performance standards relating to building height and plant species should be incorporated in the rules, or in design guidelines as initially favoured by the Council. Subsequently following further consideration, Ms Evans accepted that the height standards at least should be incorporated in the rules.
40. It was also agreed that the residential density within the six Residential Activity Areas within the Dalgleish farm extension be as follows and as contained in renumbered Rule 43.5.5:
- R 13 – 10 residential units
 - R 14 – 6 residential units
 - R 15 – 15 residential units
 - R 16 – 6 residential units
 - R 17 – 7 residential units
 - R 18 – 1 residential unit (the existing historic cottage)
41. We acknowledge the constructive dialogue that has taken place between the parties, and recommend that the submission of X-Ray Trust be accepted to the extent that the provisions be amended.

¹³ Submission 356, opposed by FS1306

¹⁴ FS1306

¹⁵ Evidence of Louise Taylor (Addendum) 16 February 2017 paragraph 1.11, and Evidence in Chief, 3 February 2017 paragraph 3.1

42. G. Siddall and R. Tweedie¹⁶ opposed the Dalgleish Farm zone expansion on the basis of adverse effects on people living within and in the vicinity of Millbrook Resort including increased traffic, reduced safety and noise. The submitter also sought an amendment to Policy 43.2.1.1 to include *'the avoidance of adverse effects on the amenities of residents within and in the vicinity of Millbrook'*. They also sought the rejection of any extension of the resort on to Dalgleish Farm, and of the associated rules providing for this.
43. We note the extension of the MRZ over Dalgleish Farm zone expansion will not increase the overall number of residential units provided for within the MRZ as a whole. The restriction to 450 units provided for under the ODP rules will continue under the PDP (renumbered Rule 43.5.4), even allowing for the extended area of the zone. Furthermore, we have added a limit on the number of residential units permitted within each residential activity area within the Dalgleish Farm extension. For these reasons, we disagree that the extension onto Dalgleish Farm would result in increased traffic and noise, or reduced safety, within the zone. The extent of such effects is already anticipated by the existing ODP provisions.
44. Traffic engineering evidence presented by Mr Corbett for the Council concluded that traffic generation rates would not appreciably increase¹⁷. Traffic movements into and within the MRZ may change as a result of the extension of Dalgleish Lane northwards and a new intersection on Streamside Lane with Malaghans Road. Mr Corbett was of the view that there was little of concern with respect to either the redistribution of dwellings within the extended MRZ, or the new road access into the zone. Similarly, the dispersal of the permitted number of residential units over a larger extended area would result in noise levels remaining the same or even slightly decreasing, from those that could have been expected under the existing zoning in the ODP.
45. For these reasons, we recommend that the submission of G. Siddall and R. Tweedie be rejected.
46. K Fround¹⁸ supported the chapter generally. Michael Hill Tournaments¹⁹ supported the zone expansion. MCCL²⁰ supported the entire chapter. We recommend that the submissions of K. Fround and Michael Hill Tournaments be accepted. Given the amendments we recommend, we recommend that the submission by MCCL be accepted in part.
47. Roger Donaldson²¹ also sought that if Council granted the extension to the MRZ, that the submitter's property be rezoned to MRZ or, at a minimum, Rural Lifestyle. By way of a decision dated 24 January 2017, the Chair clarified that the submission sought the rejection of the extension of the zoning. Following prolonged discussions with MCCL, the submitter indicated that he no longer opposed the extension of the MRZ²². The rezoning component of this submission (i.e. the submitter's land) is not within the scope of this hearing.

¹⁶ Submission 14, supported by FS1272 and FS1291, opposed by FS1302

¹⁷ Evidence of Samuel Corbett, paragraph 8.5

¹⁸ Submission 19

¹⁹ Submission 818, opposed by FS1713 and FS1349

²⁰ Submission 696, opposed by FS1272, FS1291 and FS1349

²¹ Submission 446

²² Email from Marliese Donaldson to QLDC, 28 April 2017

7. ISSUE 2 - LANDSCAPE AND ECOLOGICAL MATTERS

7.1 Control of Development in the Landscape Protection Area (LPAA)

48. Skipp Williamson²³ submitted in support of the LPAA shown on the Structure Plan. He stated in his submission that he owns a property in Mooney Road which is near the proposed extension to the MRZ.
49. Mr Williamson also supports notified Rule 43.4.12²⁴, which states that golf courses in the LPAA are a non-complying activity. The submission seeks further restriction on development in the LPAA, including non-complying status for Commercial Recreation Activities²⁵, which are currently classified as a discretionary activity. The submission also opposes provision for utility or farm buildings of up to 25m² under notified Rule 43.4.2 unless they are confined to that part of the LPAA directly adjoining Malaghans Road.
50. Mr Williamson also sought an additional *policy* calling for the avoidance of all buildings and golf courses in that part of the LPAA adjoining the rural area to the west of R15 and R16.
51. Ms Evans advised that Commercial Recreation Activities are defined in Chapter 2 as:
- 'the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities'*²⁶.
52. In considering the evidence on this matter, we agree that it would be appropriate that buildings (including Commercial Recreation Activities) within the LPAA generally, being the most visually sensitive activity area within the MRZ, be classified as a non-complying activity. However, it was considered that part of the LPAA adjacent to Malaghans Road is not as elevated, and there is a degree of screening from the road which would justify a more liberal rules framework. The imposition of greater restrictions within the LPAA as sought through the Williamson submission (with the exception of that part on the Malaghans Road frontage) did not appear to be opposed by MCCL. They were however, concerned to allow provision for small utility buildings as necessary for the maintenance of the golf course, and were of the view that the Malaghans Road component of the LPAA could be distinguished from other parts of the LPAA, and allow for small utility buildings. Farm buildings are accordingly a controlled activity in all other activity areas except the LPPA, as provided under Rule numbered 43 4.2 as notified, and renumbered Rule 43.4.9.
53. A further matter that arose was the presence of an old farm building, which MCCL wish to retain and restore. As this building is in a fragile state, it may well be retained in its current position. However, provision for this 'farm building' within the Malaghans Road LPAA was supported by all parties.
54. We support the recommendation that the Malaghans Road component of the LPAA be identified on the Structure Plan, and that with the exceptions discussed above, buildings should otherwise be subject to non-complying activity status. We did not agree that it was

23 Submission 499

24 Referred to as Rule 42.4.12 in the submission, which is assumed to be a typographical error, as the rule for golf courses is 43.4.12.

25 Rule 43.4.11.

26 Notified Chapter 2 - Definitions.

necessary to reinforce this at a policy level however, as other policies provided the necessary guidance in the unlikely event of an application for building within the LPAA. Accordingly we recommend that the submission be accepted in part, as identified in renumbered Rule 43.4.14.

7.2 Landscaping Prior to Residential or Golf Course Development

55. As notified, Rule 43.5.11 limited development of the additional nine holes of the golf course until landscaping and ecological works had been undertaken. In her reply statement, Ms Evans revised the approach by including the new Rule 43.4.7 (renumbered 43.4.16) which created an activity status for landscaping works within the relevant overlay areas, and amended the standard to apply to the commencement of residential units in the South Dalgleish area. She considered there was scope to make this change as the landscaping involved was required to either mitigate the effects on the X-Ray Trust land, or as a result of moving development closer to Malaghans Road to satisfy the X-Ray Trust submission.

56. We accept there is scope for requiring landscape work to commence prior to the residential development in the extension area. We do have some concerns with the amended wording of Rule 43.5.11 proposed by Ms Evans. We do not consider that the implementation of the landscaping can be achieved via a condition of consent given that a resource consent provides an ability to undertake an activity, not an obligation to undertake it. Nor do we consider a consent notice is available as such a mechanism is only available for subdivision consents.

57. In our view, the only reliable standard available is certification by the Council of the implementation of the planting plans approved under Rule 43.4.16. We have amended the rule (now 43.5.12) to reflect that.

8. ISSUE 3 - DEVELOPMENT CONTROLS AND ACTIVITY STATUS

58. Council's corporate submission²⁷ sought several changes to the notified provisions.

8.1 Activity Status for Various Activities

59. The Council sought that the activity status for mining, panel beating, spray painting, motor vehicle repair or dismantling and forestry be changed from non-complying to prohibited, on the basis that these uses are not anticipated in the zone. We consider it is most unlikely that these activities would seek to establish within the MRZ. Ms Evans was of the view, and we agree, that prohibited activity status was unnecessary, as non-complying activity status already sends a clear signal that these activities are not anticipated in the zone. We recommend that this submission be rejected, and the further submissions in opposition accepted.

8.2 Activity Status for Buildings in the R18 Activity Area

60. The Council requested non-complying activity status for buildings in the Residential Activity (R18) Activity Area containing the historic cottage, in order to rectify the 'default' permitted status under Rule 43.4.1. In its further submission²⁸, MCCL incorrectly noted that the default status is controlled, not permitted. MCCL also added that the density standards only allow one dwelling within this activity area.

61. Rule 43.4.1 provides a default permitted activity status for activities which are not specifically listed, and which comply with the standards. MCCL further submitted that no further rules

²⁷ Submission 383, generally opposed by FS1264, FS1271 and FS1291

²⁸ FS1264

are necessary, on the basis that the historic cottage is listed in the Heritage section of the PDP and is subject to further controls that manage how this can be modified. We note that Rule 26.6.13²⁹ requires a restricted discretionary activity consent for development within the 'Extent of Place' for the historic cottage. This rule addresses the effects of development on the heritage value of a protected feature.

62. We consider that there is no need for any additional controls, as Rule 43.5.3 states that the total number of residential units in R18 shall not exceed one, with any more than this number triggering non-complying activity status. The one building within this activity area is the historic cottage, which is also subject to rules under Chapter 26. For these reasons, we conclude that the submission should be rejected.
63. In discussing the status of farm buildings, Ms Evans expressed initial concern that buildings in R18 other than farm buildings would default to permitted activity status under Rule 43.4.1. This concern was later satisfied following discussions with MCCL, noting that there are other rules which address buildings in this activity area. It does, however, highlight the potential complications arising from provisions such as Rule 43.4.1, where, in the absence of very painstaking care in rule drafting, there is a risk that an unanticipated (and potentially undesirable) activity can default to permitted activity status.

8.3 Building Height in R13

64. The Council sought that a maximum building height be specified for the Residential (R13) Activity Area, although no suggested height was included in the submission. In its Further Submission in opposition, MCCL³⁰ noted that the height is restricted under notified Rule 45.3.4 (this was in error, and should have referred instead to notified Rule 43.5.4). Maximum building height for development within R13 is 8m under notified Rule 43.5.4, with a default status of non-complying activity if the standard is not met. It is also noted that a specified minimum ground level datum is specified for each residential activity area. We recommend the submission point be rejected, as building height is already specified in renumbered Rule 43.5.6.

9. ISSUE 4 - RESIDENTIAL DENSITY AND CAPACITY

9.1 Density Limit for R1 – 12, R13 and R17

65. The Council³¹ has sought that density limits be included for R1-12, R13 and R17 residential activity areas, although the submission did not suggest what these density limits should be, or provide a reason for them to be included in the rules. There is an overall limit of 450 dwellings in the zone under notified rule 43.5.2, including the extension of the zone over Dalgleish Farm, which has been carried over from the ODP. Exceeding this number is a non-complying activity.
66. There are no density limits in the ODP for the Residential (R1-12) Activity Areas, which we were informed have already largely been consented. With respect to R13 and R17, which are located in the Dalgleish Farm extension, no density limits are proposed in the notified rules, although density limits are included for R14, R15, R16 and R18, under notified Rule 43.5.3. Ms Evans advised that Mr Corbett had concluded that no density limit was justified from a transport perspective. From a landscape perspective, Ms Ayres was of the opinion that a density limit was justified to ensure that the consented density in R12 extended to R13 and

²⁹ Chapter 26 Reply Version

³⁰ FS1264

³¹ Submission 383 opposed by FS1264, FS1271 and FS1291

R17.³² Ms Ayres recommended a cap of 10 residential units in R13 and 7 residential units in R17. This was accepted by Ms Evans, and by Mr Edmonds for MCCL³³. We concur, and recommend that this part of the Council submission be accepted as set out in renumbered Rule 43.5.5.

10. ISSUE 5 - OTHER MATTERS AND MINOR REDRAFTING AND REFORMATTING AMENDMENTS

67. The Council³⁴ sought that the Structure Plan be amended to be consistent with Planning Map 26 (as revised 17/07/2015). Ms Evans stated she was not aware of any error in the structure plan boundary, as identified in the Council's submission, and that rather it was the original planning map that contained an error.
68. MCCL³⁵ submitted that there was an error with the MRZ boundary on the notified planning map and sought that the boundary of the MRZ as shown on the District Plan maps be amended to reflect that shown on the Structure Plan within Chapter 43.
69. We were informed that the Council did *initially* notify a planning map with an incorrect Millbrook boundary, and when advised of the error by MCCL, re-notified the same planning map, identified as the version dated 17/07/2015 on the Council's website which showed the extended zone boundary. We recommend that the Council's submission be rejected and MCCL's be accepted. Consequentially, the corrected planning map as it applies the Millbrook Resort Zone is also recommended to be accepted. We have included a copy of Planning Map 26 showing the extent of the MRZ as a result of our recommendations at the end of Appendix 1.
70. The Council³⁶ also sought that the 'assessment matters' listed in notified Rules 43.4.5 and Rule 43.4.6 be reformatted into matters of discretion or standards, in order to be consistent with the format (or terminology) used elsewhere in the PDP, which no longer makes reference to the term 'assessment matters'. This submission point was opposed by MCCL³⁷ on the basis that the reformatting would be inappropriately inflexible.
71. We accept that it is important to achieve a consistent format and use of terminology throughout the PDP, unless there are particular reasons to the contrary. In this case it is a matter of terminology – which means replacing the term '*assessment matters*' with the phrase '*discretion is restricted to...*'.
72. A further problem with the two rules as notified in the PDP is that they repeat the matters of discretion and the assessment matters under the one rule. We are satisfied that these rules can be amended within scope without changing the intent or effect of the two rules. Both rules specify those matters to which the Council's discretion is restricted when it considers resource consents with respect to buildings in the Residential (R14 –16), and (R 17) Activity Areas respectively. These amendments are contained in renumbered Rules 43.4.11 and

³² Statement of Evidence of Hannah Ayres dated 17 January 2017, at paragraph 11.9.

³³ Evidence of John Edmonds, Millbrook 3 Amended Plan provisions, submitted at Council Hearing 16 February 2017, Rule 43. 5. 6

³⁴ Submission 383 opposed by FS1264, FS1271 and FS1291

³⁵ Submission 696, opposed by FS1272, FS1291, FS1317 and FS1349

³⁶ Submission 383 opposed by FS1272, FS1291 and FS1306

³⁷ FS1306

43.4.12.

73. The Council³⁸ also sought that the reference to '*design guidelines*' in Rules 43.4.3, 43.4.5 and 43.4.6 be amended to specify a version and year of the guideline, or amend to '*any Council approved design guidelines*'.
74. As a result of matters arising during the hearings and discussions following, agreement was reached between MCCL (supported by X-Ray Trust) and Ms Evans whereby matters such as building height controls and requirements as to colours and materials would be better placed under the rules in the PDP than as guidelines. On that basis it was recommended that all references to guidelines in the chapter be removed.
75. We agree that this would be appropriate and, as pointed out by Ms Evans, would provide a 'one-stop shop' for PDP users, instead of having to also refer to external guidelines³⁹. Accordingly, we recommend that the reference to the guidelines be removed from the rules in Chapter 43. Given that conclusion, this part of the Council submission is recommended to be rejected.
76. The Council⁴⁰ requested that, in relation to Rules 43.4.17 and 43.4.18, the PDP specify what '*service activities*' and '*industrial activities*' the rules are referring to, and the limits of permitted activities under Rule 43.4.1. Both '*service activities*' and '*industrial activities*' are defined in Chapter 2 of the PDP.
77. Ms Evans noted that Rules 43.4.17 and 43.4.18 specify that these activities are non-complying, unless they meet certain conditions. If these conditions are met then the activities become permitted under Rule 43.4.1. We note that with respect to service activities for example, such activities are non-complying unless they are directly related to other approved or permitted activities within the zone; located within the Resort Services Activity Area; or located within the Golf /Open Space Activity Area and which have a gross floor area of no more than 40m² (with these three qualifications applying conjunctively). We accept her conclusion that these conditions are restrictive, but this again illustrates a degree of unease within the Council with rules such as 43.4.1 (which we share). We recommend this submission point be rejected and the further submissions in opposition accepted.
78. The Council⁴¹ also sought the addition of the words '*and the night sky*' to the end of the sentence in Rule 43.5.6 to limit the impacts of light spill into the night sky. The probable intention was to insert these words after the word '*Glare*' in the rule heading, so the rule heading would read '*Glare and the night sky*'. This was a similar submission to that lodged by the Council with respect to Chapter 41, Jacks Point. We note that in the Council's legal right of reply for the Business Hearing stream, it was submitted that it would be difficult to determine compliance in the absence of a quantifiable standard, rendering such a rule *ultra vires*. We recommend that this submission point be rejected.
79. Rule 43.6.1 refers to circumstances in which applications shall be non-notified. The Council⁴² has sought amendments to this rule to reflect standard wording used in other PDP chapters.

38 Submission 383, opposed by FS1264, FS1272 and FS1291

39 Reply evidence of Ruth Evans, paragraph 2. 1

40 Submission 383, opposed by FS1214, FS1264, FS1272 and FS1291

41 Submission 383, opposed by FS1264, FS1272 and FS1291

42 Submission 383

We note that the rule as notified in the PDP subjects non-notification through the qualification of *“Except as provided by the Act..... ”* which adds an element of circularity and uncertainty.

80. We recommend that the submission point be accepted and that Rule 43.6.1 be reworded to read:

“All applications for controlled activities and restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified”.

11. OTHER RECOMMENDED AMENDMENTS

81. Ms Evans also recommended a number of ‘non-substantive’ changes to the Revised Chapter to correct typographical and formatting errors, and to achieve consistency with other PDP chapters. Where we agree with her and recommend the changes be made, we recommend those changes be made as non-substantive changes under Clause 16(2) of the First Schedule to the Act.

82. She recommended a change to Policy 43.2.1.2 as notified, which states:

“Require the external appearance of buildings to have appropriate regard to landscape and heritage values”.

83. We consider that while the policy as a whole is rather general in its application, the inclusion of the word “appropriate” adds little to the policy as it does not provide clarity, and at least arguably makes it even more subjective. In terms of scope, such an amendment was not sought although we note that it is not opposed by any of the submitters, and the policy with the exclusion of this word was included in Mr Edmonds’ suggested amendments to the plan provisions⁴³. We accept that this amendment to the general policy wording is justified in these circumstances.

84. Ms Evans also recommended amendments to the notified wording of Policies 43.2.1.4 and 43.2.1.5, which respectively state *“Control takeoff and landing of aircraft”* and *“Control air emissions for visual amenity purposes”*. Ms Evans raised a valid concern in that these policies read as ‘statements’ rather than policies. We also have concerns with the literal wording of these policies, in that they suggest the powers of the Council over such matters are greater than is actually the case, particularly with air emissions.

85. Turning to the control and take off of aircraft, Ms Evans recommended that Policy 43 2.1.4 be reworded to state:

“Require the take off and landing of aircraft to be controlled”.

86. With respect to the second policy (43.2.1.5), we have serious doubts that the provision is *intra vires*, as control over emissions to air are specifically subject to the rules in a Regional Plan (Section 15 RMA), outside the scope of the powers of the District Council. Although the deletion of this policy is not sought through any submission, we consider that it is readily apparent that it is incapable of implementation under the District Plan.

87. MCCL had no objections to either amendment, or to the removal of Policy 43.2.1.5 as notified.

⁴³ Attachment to Evidence of John Edmonds, submitted to Council Hearing 16 February 2017

88. Ms Evans thought it important to include a *rule* requiring that development proceed in accordance with the Structure Plan. She said that while this may be assumed, as the Structure Plan forms part of the chapter, this was not explicitly stated in the notified chapter, and that such an amendment would be non-substantive. Policy 43.2.1.1 as notified states:

“Require development and activities to be located in accordance with a Structure Plan so as to promote orderly and integrated development and prevent the inappropriate development of sensitive parts of the site”.

89. Such relief has not been sought in any submissions. Notwithstanding that, the amendments sought have been included in Mr Edmonds’ draft provisions on behalf of MCCL as discussed earlier, and it would not appear that any submitters would be disadvantaged by making this amendment. The policy is also very directive in nature, thus supporting a rule, although it seems to us to have more application to the activities listed under 43.4 than the standards listed under 43.5.
90. Ms Evans also identified a problem in Rule 43.5.2 ‘Setbacks’ (notified Rule 43.5.1), whereby any breach of the standards is classified as a restricted discretionary activity, although no matters of discretion are included under the rule. No submissions were received on this matter.
91. Section 77B(3) of the Act applies to the classification of an activity as a restricted discretionary activity. Section 77B(4) specifies that a local authority must specify in the rule the matters over which it has restricted its discretion. On that basis, Rule 43.5.1 is not consistent with the requirements under the Act, albeit almost certainly as a result of an inadvertent omission when the provisions were drafted.
92. We accept Ms Evans’ contention that there is no scope to add appropriate matters of discretion, albeit that Mr Edmonds helpfully suggested some provisions which would have been appropriate in conjunction with the rule. In the meantime, however, we can only recommend that the Council incorporate the necessary amendment by way of a variation to the PDP.
93. Finally, as notified Rule 43.3.1 contained references to the ODP in relation to several district-wide chapters. In the Section 42A Report Ms Evans recommended changing “ODP” to “operative” in each case and deleting the PDP chapter number for some, but not all, of those chapters. We have concluded that plan users would be assisted by the table in this rule distinguishing only between the district-wide chapters notified as part of Stage 1 (in August 2015), and those not yet notified (shown in italics). We recommend that these changes be made as a minor and non-substantive change under Clause 16(2) of the First Schedule to the Act.

12. DEFINITIONS

94. X-Ray Trust Limited⁴⁴ sought that a definition for 'valuable ecological remnants' or 'ecological remnants' be included in the Definitions Chapter of the PDP. These terms are found in Policy 43.2.1.3 which reads:

⁴⁴ Submission 356, opposed by FS1306

“Protect valuable ecological remnants and promote the enhancement of ecological values where reasonably practical”.

95. Ms Evans advised that these words are confined to notified Chapter 43 only. We note that they are contained in a policy (not a rule) and that the level of clarity that the words provide are sufficient at a policy level. No suggested definition was provided and the submitter did not pursue the matter further at the hearing.
96. We do not consider that the incorporation of these words in a policy necessitates a ‘definition’.
97. Any recommendations we may have on definitions are made to the Stream 10 Hearing Panel to enable that Panel to co-ordinate our overall recommendations on definitions to the Council. It seems the request was not given a separate submission point to identify it, but that it was made as part of submission point 356.27. We will treat this submission point seeking the inclusion of a definition as Submission 356.27.1. We recommend to the Stream 10 Hearing Panel that it be rejected.

13. OVERALL CONCLUSIONS AND RECOMMENDATIONS

98. For the reasons given above, we conclude that the provisions of Chapter 43 of the Proposed District Plan, incorporating the amendments we recommend, will best enable the Council to carry out its functions under the Act in respect of the land to which the Millbrook Resort Zone applies.
99. Consequently, we recommend that:
 - a. the submissions be accepted, accepted in part, or rejected as set out in Appendix 2;
 - b. Chapter 43 be adopted as set out in Appendix 1; and
 - c. The council initiate a variation to insert matters of discretion in Rule 43.5.2.

Dated:

1 September 2017

Signature:



Denis Nugent, Chair

APPENDIX 1

Recommended Chapter 43, including Structure Plan and Planning Map 26

APPENDIX 2

Tracked changes version of Chapter 43 to assist readers

43 Millbrook Resort Zone

43.1 Resort Zone Purpose

43.1.1. The purpose of the Millbrook Resort Zone is to provide for a visitor resort of high quality. The Zone provides for recreational activities (including golf), commercial, residential and visitor accommodation together with support facilities and services. The general amenity of the Zone is one of development enclaves located in the open rural countryside with well landscaped grounds. Well located and designed development is expected throughout the Zone. To achieve this, integrated planning in accordance with a Structure Plan is required.

43.1.2 The Millbrook Structure Plan includes several 'Activity Areas' which correspond with rules. The purpose of the various Activity Areas is summarised as follows:

- Village Activity Area (V) – to provide for residential and visitor accommodation activities and commercial activities associated with a resort
- Golf / Open Space Activity Area (G) – To provide for outdoor recreation activities and open space
- Residential Activity Area (R) – to provide for residential activities (different areas are individually numbered so as to correspond with rules)
- Recreational Facilities Activity Area (F) – to provide for recreational activities
- Landscape Protection Area (LP) – to manage sensitive landscape areas in a manner which prevents inappropriate development
- Landscape Protection (Malaghans) Activity Area - to maintain a mature tree lined edge to Malaghans Road
- Resort Services Area (S): To provide for service and maintenance activities which support the functioning of a resort
- Helicopter Landing and Take off Activity Area (H) – to enable the consideration of applications for helicopter landings and take offs from this location

43.1.3. The Structure Plan also includes the following overlays which apply in addition to the Activity Areas that cover the same areas. The purpose of these overlays is summarised as follows:

- ~~Amenity Management Landscaping Overlay (AM L) – to identify those locations where it is considered appropriate for measures will to be undertaken to avoid unreasonable adverse amenity effects on neighbouring properties outside of the Millbrook Resort Zone landscape amenity.~~
- ~~Ecological Protection and Restoration Overlay (E) – to identify those locations where either existing ecological values are to be protected or ecological restoration is anticipated.~~
- ~~Height Restriction Overlay (HR) – used to specify locations where corresponding height rules apply. height restrictions on Indicative Residential Sites 10 and 11.~~
- ~~Earthworks Overlays (E1 and E2) - to identify where earthworks will be undertaken to mitigate effects on neighbouring properties, and prevent buildings in those areas.~~
- ~~Gully Planting (GP) and Open Planting (OP) Overlays - to specify where landscape planting is required for ecological restoration purposes.~~
- ~~Indicative Residential Sites - to identify locations of future buildings and specify height limits and recession plane controls.~~

~~The potential of the Millbrook Resort to contribute to visitor and economic development within the District through increased employment and visitor activity generated by the resort is recognised. Millbrook Country Club Limited has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.~~

43.2 Objectives and Policies

43.2.1 **Objective – Visitor, residential and recreation activities developed in an integrated manner with particular regard for landscape, heritage, ecological, water and air quality values.**

Policies

43.2.1.1 Require development and activities to be located in accordance with a Structure Plan so as to promote orderly and integrated development and prevent the inappropriate development of sensitive parts of the site.

43.2.1.2 Require the buildings and associated landscaping to have external appearance of buildings to have appropriate regard to landscape and heritage values.

43.2.1.3 Protect valuable ecological remnants and promote the enhancement of ecological values where reasonably practical.

43.2.1.4 ~~Control~~ Require the take-off and landing of aircraft to be controlled.

~~43.2.1.5. Control air emissions for visual amenity purposes.~~

43.2.1.5 Require an integrated landscape management plan for the South Dalgliesh part of the zone

43.2.1.6 Reduce nutrient levels and other pollutants ~~generally and within~~ entering Mill Creek and ~~improve and protect the water quality of Lake Hayes.~~

43.3 Other Provisions and Rules

43.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless shown in italics, ~~marked as Operative District Plan (ODP).~~

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes

24 <u>Signs</u> (18 ODP)	25 <u>Earthworks</u> (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 <u>Transport</u> (14 ODP)
30 Utilities and Renewable Energy	31 <u>Hazardous Substances</u> (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

43.3.2 ~~Clarification~~ Explanatory Rules

43.3.2.1 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

~~Development resulting in more than one (1) residential unit per lot shall show each residential unit contained within the net area. For the purposes of this rule net area means an area of land shown on a plan with defined boundaries (legally defined or otherwise), less any area for shared access or any strip of land less than 6m in width.~~

43.3.2.2 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

43.4 Rules – Activities

	Activities – Millbrook	Status
43.4.1	Any activity which complies with the rules <u>standards</u> for permitted activities and is not listed as a controlled, discretionary, non-complying or prohibited activity.	P
43.4.2 [43.4.8]	Residential <u>Activity</u> in the <ul style="list-style-type: none"> a. Resort Services, <u>Activity Area</u>, except for residential activity ancillary to a permitted or approved activity b. Golf / Open Space <u>Activity Area</u>, except for residential activity ancillary to a permitted or approved activity c. Recreational Facilities <u>Activity Areas</u>, except for residential activity ancillary to a permitted or approved activity 	D
43.4.3 [43.4.9]	Visitor Accommodation outside of the Village Activity Area	D
43.4.4 [43.4.12]	Golf <u>Courses</u> <ul style="list-style-type: none"> a. + <u>In the Landscape Protection Activity Area</u> b. <u>In the Landscape Protection (Malaghans) Activity Area</u> 	NC
43.4.5 [43.4.10]	Commercial and Community Activities , except for: <ul style="list-style-type: none"> a. Commercial recreation activities; b. Offices and administration activities directly associated with the management and development of Millbrook or ancillary to other permitted or approved activities located within the Resort Services and Village Activity Areas; c. Bars, restaurants, theatres, conference, cultural and community facilities in the Village Activity Area; d. Retail activities which comply with rule 43.5.8 <u>10</u> (Retail <u>Sales</u>) 	D

	Activities – Millbrook	Status
43.4.6 [43.4.11]	<p>Commercial Recreation Activities, except for:</p> <ul style="list-style-type: none"> • <u>a. g</u> Golf courses (aside from the Landscape Protection Area); or • <u>b.</u> Within the Recreation Facilities Activity Area or Village Activity Area 	D
43.4.7 [43.4.4]	<p>Licensed Premises in the Village Activity Area:</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol: to any person who is residing (permanently or temporarily) on the premises; <u>or to any person who is present on the premises for the purpose of dining up until 12am.</u></p> <p>*Control is in respect to consideration of <u>reserved to:</u></p> <ul style="list-style-type: none"> • <u>a.</u> The scale of the activity • <u>b.</u> Car parking and traffic generation • <u>c.</u> Effects on amenity (including that of adjoining residential zones and public reserves) • <u>d.</u> The configuration of activities within the building and site (e.g. outdoor seating, entrances) • <u>e.</u> Noise issues and hours of operation 	C*
43.4.8 [43.4.19]	<p>Licensed Premises in outside of the Village Activity Area</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale and supply of alcohol:</p> <ul style="list-style-type: none"> • <u>a. †</u> To any person who is residing (permanently or temporarily) on the premises; • <u>b. †</u> To any person who is present on the premises for the purpose of dining up until 12am 	NC

	Activities – Millbrook	Status
43.4.9 [43.4.2]	<p>Farm Buildings in:</p> <p>a All a Activity a Areas except for <u>aside from the Landscape Protection (Malaghans) Activity Area, as set out in rule 43.4.13</u></p> <p>* Council shall exercise c <u>Control is reserved to</u> over effects on heritage and landscape values.</p>	C*
43.4.10 [43.4.3]	<p>Buildings in:</p> <ul style="list-style-type: none"> • a. the Village Activity Area; <u>or</u> • b. R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12 and to R13 of the Residential Activity Area; <u>or</u> • c. The Recreational Facilities Activity Area <p><u>Control is reserved to:</u></p> <p>* With the exercise of Council's control limited to the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • i. t <u>The external appearance of the building and</u> • ii. the e <u>Effects of on visual values and landscape amenity of the area including coherence with the surrounding buildings</u> 	C*

	Activities – Millbrook	Status
<p>43.4.11</p> <p>[43.4.5]</p>	<p>Buildings in</p> <p>a. R14, R15 and R16 of the Residential Activity Area</p> <p><u>Discretion is restricted to the following:</u></p> <p>* With the exercise of Council’s discretion limited to the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • i. <u>The external appearance of the building;</u> and • ii. <u>Associated landscaping controls;</u> and • iii. <u>The effects of on visual and landscape amenity values of the area including coherence with the surrounding buildings and landscape values.</u> <p>Assessment matter: In R14, R15 and R16 the following are anticipated:</p> <ul style="list-style-type: none"> • dark and recessive building materials; and • a range of vegetation which is predominantly indigenous including shrub and tree species that contribute to the mitigation of potential adverse effects • particular attention to accessway designs 	<p>RD*</p>

	Activities – Millbrook	Status
43.4.12 [43.4.6]	<p>Buildings in</p> <p>a. R17 and R18 of the Residential Activity Area</p> <p><u>Discretion is restricted to the following:</u></p> <p>* With the exercise of Council’s discretion limited to the implementation of design guidelines and parameters to control:</p> <ul style="list-style-type: none"> • i. The external appearance of the building; and • ii. the effects of on visual and landscape amenity values of the area including coherence with the surrounding buildings and heritage values <p>Assessment matter: The location, height and bulk of buildings should be assessed with particular attention to maintaining or creating viewshafts to the historic cottage in R18 which allow the appreciation of the historical configuration of that building and the plantings and signs of domestication that surround it. Materials and designs of buildings in R17 shall also integrate with the heritage values of that site.</p>	RD*
43.4.13 [43.4.7]	<p>Buildings in the</p> <p>a. Golf Course and Open Space Activity Area, except for utilities, service and accessory buildings up to 40m² in gross floor area</p>	D
43.4.14 [43.4.13]	<p>Buildings in the Landscape Protection and Landscape Protection (Malaghans) Activity Area, except for:</p> <p>a. <u>One farm building relocated from within the zone and restored the Landscape Protection (Malaghans) Activity Area (refer Rule 43.4.9)</u></p> <ul style="list-style-type: none"> • b. Utility buildings up to 25m² in gross floor area; and • farm buildings in the in that part of the Activity Area which fronts Malaghans Road. 	NC

	Activities – Millbrook	Status
43.4.15	<u>Buildings in the E1 and E2 Earth Mounding Overlay Areas</u>	<u>PR</u>
43.4.16	<p><u>Amenity Landscaping Works.</u></p> <p><u>Landscaping works within the Gully Planting Overlay, the Open Planting Overlay the Amenity Landscaping Overlay, the Earth Mounding Overlay, the Landscape Protection (Malaghans) Activity Area and the Landscape Protection Activity Area</u></p> <p><u>Discretion is restricted to the following:</u></p> <p>a. <u>An integrated landscape management plan that incorporates:</u></p> <p>i. <u>Landscape designs and planting plans that indicate how the Gully Planting and Open Planting Overlays will be planted and maintained with at least 90 % of plants listed in Appendix 1</u></p> <p>ii. <u>Practical and reasonable measures within the Amenity Landscaping overlay to avoid or mitigate adverse effects on the amenity values enjoyed within properties beyond the Zone boundary, utilising the species lists for the Gully Planting and Open Planting Overlays in Appendix 1</u></p> <p>iii. <u>Removal of all <i>Pinus</i>, <i>Pseudotsuga</i> and <i>Cystisus</i> from the E1, E2, Open Planting, Gully Planting and Amenity Landscaping overlay areas</u></p> <p>iv. <u>Earthworks to be undertaken in E1 for the purpose of visually screening all residential properties within the R14 and R15 Residential Activity Areas from approved Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822</u></p> <p>v. <u>Earthworks to be undertaken in E2 for the purpose of mitigating views of golfing activities as viewed from approved Residential Building Platforms on Lot 1 DP 475822 and Lot 2 DP 475822</u></p> <p>vi. <u>Details on and commitments to prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, composting, rabbit control and use of gender dimorphic stock sourced from local seeds where practical</u></p> <p>vii. <u>The measures that shall be employed to maintain or enhance the quality of water within Mill Creek</u></p> <p>viii. <u>Landscape designs and planting plans for the Landscape Protection (Malaghans) Activity Area that ensures a predominantly screened effect when viewed from the road</u></p>	<u>RD</u>

	Activities – Millbrook	Status
43.4.17 [43.4.14]	<p>Helicopter † Landing and ‡ Take-off areas in the</p> <p>a. Helicopter Landing and Take-off Activity Area</p> <p>* With the exercise of Council's control limited to:</p> <p><u>Discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> • i. s Safety • ii. e Effects on amenity values • confirmation that no more than one helicopter landing and take-off area shall be in operation at any given time. 	RD*
43.4.18 [43.4.15]	<p>Airports, aside from <u>except for</u>:</p> <ul style="list-style-type: none"> • a. Helicopter landings and take-offs approved under rule 43.4.17 4 (above); or • b. ‡ The use of land and water for any emergency landings, rescues and fire-fighting. 	NC
43.4.19 [43.4.17]	<p>Service Activities, except for <u>where</u>:</p> <p>activities- a. † <u>Directly related to other approved or permitted activities within the Zone; and <u>located within the Resort Services Activity Area; or</u></u></p> <ul style="list-style-type: none"> • located within the Resort Services Activity Area; or • b. † <u>Located within the Golf / Open Space Activity Area and which have a gross floor area of no more than 40m2</u> 	NC

	Activities – Millbrook	Status
43.4.20 [43.4.18]	Industrial Activities; except for: <ul style="list-style-type: none"> • <u>a.</u> <u>a</u> Activities directly related to other approved or permitted activities within the Zone; and • <u>b.</u> <u>a</u> Activities located within the Resort Services Activity Area 	NC
43.4.21 [43.4.16]	Mining	NC
43.4.22 [43.4.20]	Panel beating, spray painting, motor vehicle repair or dismantling except for activities directly related to other approved or permitted activities within the Zone and located within the Resort Services Activity Area.	NC
43.4.23 [43.4.21]	Forestry Activities	NC
43.4.24 [43.4.22]	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
43.4.25 [43.4.23]	Factory Farming	PR

43.5 Rules- Standards

	Rules – Millbrook	Non-compliance status
43.5.1	<p><u>Structure Plan</u></p> <p>Development shall be undertaken in general accordance with the Structure Plan.</p>	<u>D</u>
43.5.2 [43.5.1]	<p><u>Setbacks</u></p> <p>a. No building or structure shall be located closer than 6m to the Zone boundary, and in addition:</p> <p>b. No building shall be located closer than 10m from Malaghans Road or the Arrowtown Lake Hayes Road</p> <p>c. <u>On Residential Activity Sites 14 and 19 buildings shall be located at least 7m from the Residential Activity Area boundary</u></p>	RD
43.5.3	<p><u>Building Colours and Materials in Residential Activity Areas R14, R15, R16 and R17</u></p> <p>a. <u>Roof materials and colours will be limited to:</u></p> <ul style="list-style-type: none"> i. <u>Dark grey corrugated iron</u> ii. <u>Dark grey tray profile</u> iii. <u>Slate</u> iv. <u>Copper (left to weather)</u> v. <u>Gutters and downpipes to match the roof colour</u> <p>b. <u>Claddings will be limited to:</u></p> <ul style="list-style-type: none"> i. <u>Millbrook quarry stone</u> ii. <u>Painted or stained weatherboards</u> iii. <u>Steel sheeting</u> 	<u>RD</u>

	Rules – Millbrook	Non-compliance status
	<ul style="list-style-type: none"> iv. <u>Textured concrete</u> v. <u>Painted plaster</u> 	
43.5.4 [43.5.2]	<p>Residential Density</p> <p>In the Millbrook Resort Zone The maximum number of residential <u>units in the Millbrook Resort Zone</u> shall be limited to 450.</p>	NC
43.5.5 [43.5.3]	<p>Residential Density in R14, R15, R16 and R18</p> <p>a. In the following parts of the Residential Activity Area the total number of residential units shall not exceed:</p> <ul style="list-style-type: none"> i. <u>R13 10 residential units</u> ii. R14 6 residential units iii. R15 15 residential units iv. R16 6 residential units v. <u>R17 7 residential units</u> vi. R18 1 residential unit s <p>b. <u>In addition there shall be no more than one residential unit per Indicative Residential Site.</u></p>	NC
43.5.6 [43.5.4]	<p>Building Height – <u>Residential Activity Areas R1 – R13</u></p> <p>The maximum height of buildings shall be:</p>	NC

	Rules – Millbrook	Non-compliance status						
	<ul style="list-style-type: none"> • <u>a.</u> Visitor accommodation, clubhouses, conference and theatre facilities, restaurants, retail and residential buildings (except in R14, R15, R16 and R17) - 8m • <u>b.</u> Filming towers - 12m • <u>c.</u> All other buildings and structures (except in R14, R15, R16 and R17) - 4m 							
<p>43.5.7</p> <p>[43.5.5]</p>	<p>Building Height in – Residential Activity Areas R14, R15, R16 and R17</p> <p><u>a.</u> In the following parts of the Residential Activity Area (as annotated on the Structure Plan) the following maximum building heights shall apply:</p> <p><u>i.</u> R14 6 5.5m</p> <p><u>ii.</u> R15 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m-</p> <p><u>iii.</u> R16 6.5m except within those parts subject to the Height Restriction Overlay where the height limit shall be 5.5m-</p> <p><u>iv.</u> R17 5.5m</p> <p><u>c.</u> <u>No part of a building shall exceed the following heights above sea level (excluding chimneys which may exceed the height control by 2.0m with a maximum horizontal dimension of 1.5m):</u></p> <table border="1" data-bbox="416 1155 1677 1348"> <thead> <tr> <th data-bbox="416 1155 1055 1246"><u>Indicative Residential Activity Area as shown on the Structure Plan</u></th> <th data-bbox="1055 1155 1677 1246"><u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="416 1246 1055 1299"><u>1</u></td> <td data-bbox="1055 1246 1677 1299">481.8</td> </tr> <tr> <td data-bbox="416 1299 1055 1348"><u>3</u></td> <td data-bbox="1055 1299 1677 1348">478.8</td> </tr> </tbody> </table>	<u>Indicative Residential Activity Area as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>	<u>1</u>	481.8	<u>3</u>	478.8	NC
<u>Indicative Residential Activity Area as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>							
<u>1</u>	481.8							
<u>3</u>	478.8							

Rules – Millbrook		Non-compliance status						
<u>6-13</u>	<u>475.8</u>							
<u>14</u>	<u>476.8</u>							
<u>19</u>	<u>472.8</u>							
<p>d. <u>No part of a building on Indicative Residential Activity Areas 1 and 3 shall protrude through a recession plane running due south at an angle of 30 degrees commencing at the boundary of the indicative residential sites noted below and as measured from the following heights above sea level</u></p>								
<table border="1"> <thead> <tr> <th><u>Indicative Residential Activity Area as shown on the Structure Plan</u></th> <th><u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u></th> </tr> </thead> <tbody> <tr> <td><u>1</u></td> <td><u>478</u></td> </tr> <tr> <td><u>3</u></td> <td><u>475</u></td> </tr> </tbody> </table>		<u>Indicative Residential Activity Area as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>	<u>1</u>	<u>478</u>	<u>3</u>	<u>475</u>	
<u>Indicative Residential Activity Area as shown on the Structure Plan</u>	<u>Datum (masl) using the “Mt Nic 2000 & MSL” datum</u>							
<u>1</u>	<u>478</u>							
<u>3</u>	<u>475</u>							
<p>And <u>in addition</u> no part of a building shall be situated above the following heights above sea level:</p> <p>—— Datum (masl)</p> <p>R14 — 465.5m</p> <p>R15 — 478.5m</p> <p>R16 — 483m</p>								

	Rules – Millbrook	Non-compliance status
<p>43.5.8</p> <p>[43.5.6]</p>	<p>Glare</p> <p>43.5.6.1.</p> <p>a. All fixed lighting shall be directed away from adjacent roads and properties</p> <p>43.5.6.2.</p> <p>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</p> <p>43.5.6.3.</p> <p>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</p> <p><u>External lighting shall be limited to down lighting only, not more than 1.5 metres above the finished floor level of the dwelling with the light source shielded from horizontal view.</u></p>	<p>NC</p>
<p>43.5.9</p> <p>[43.5.7]</p>	<p>Nature and Scale of Activities</p> <p>a. Except within the Village and Resort Services Activity Areas:</p> <p>43.5.7.1</p> <p>i. No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight</p> <p>43.5.7.2</p>	<p>NC</p>

	Rules – Millbrook	Non-compliance status
	ii. All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building	
43.5.10 [43.5.8]	<p>Retail Sales</p> <p>No goods or services shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> a. goods grown, reared or produced on the site;or b. goods and services associated with, and ancillary to the recreation activities taking place (within buildings associated with such activities) within the Recreation Facilities Activity Area;or c. Within the Village Activity Area 	NC
43.5.11 [43.5.9]	<p>Maximum Total Site Coverage</p> <p>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 but excludes weirs, filming towers, bridges and roads and parking areas.</p>	NC
43.5.12 [43.5.11]	<p>Golf Course d Development</p> <p>Development of <u>residential units in the South Dalgleish part of the zone or more than 27 holes of golf without prior</u> golf shall not take place without a plan being approved by Council and its implementation secured via a condition of consent or consent notice, which addresses the following: certification by the Council of the implemented plans for the Gully Planting Overlay, Open Planting Overlay and Amenity Landscaping areas (refer Rule 43.4.16).</p> <ul style="list-style-type: none"> • practical and reasonable protection and restoration of ecological values in those areas identified within the Ecological Protection and Restoration Overlay; and • Practical and reasonable measures within the Amenity Landscaping overlay to mitigate or avoid adverse effects on the amenity values enjoyed within properties beyond the Zone boundary; and 	NC

	Rules – Millbrook	Non-compliance status
	<ul style="list-style-type: none"> • An overview of measures that shall be employed to maintain or enhance the quality of water within Mill Creek and Lake Hayes. 	
43.5.13	<p>Helicopter Landing Areas</p> <p>There shall be no m More than one permanent helicopter landing area approved via resource consent at any given time within the Zone.</p>	NC
	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, <u>except for:</u></p> <ul style="list-style-type: none"> • feature open fireplaces in the clubhouse and other communal buildings including bars and restaurants. <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC
	<p>Fire Fighting</p> <p>A fire fighting reserve of water shall be maintained. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC

Appendix 1

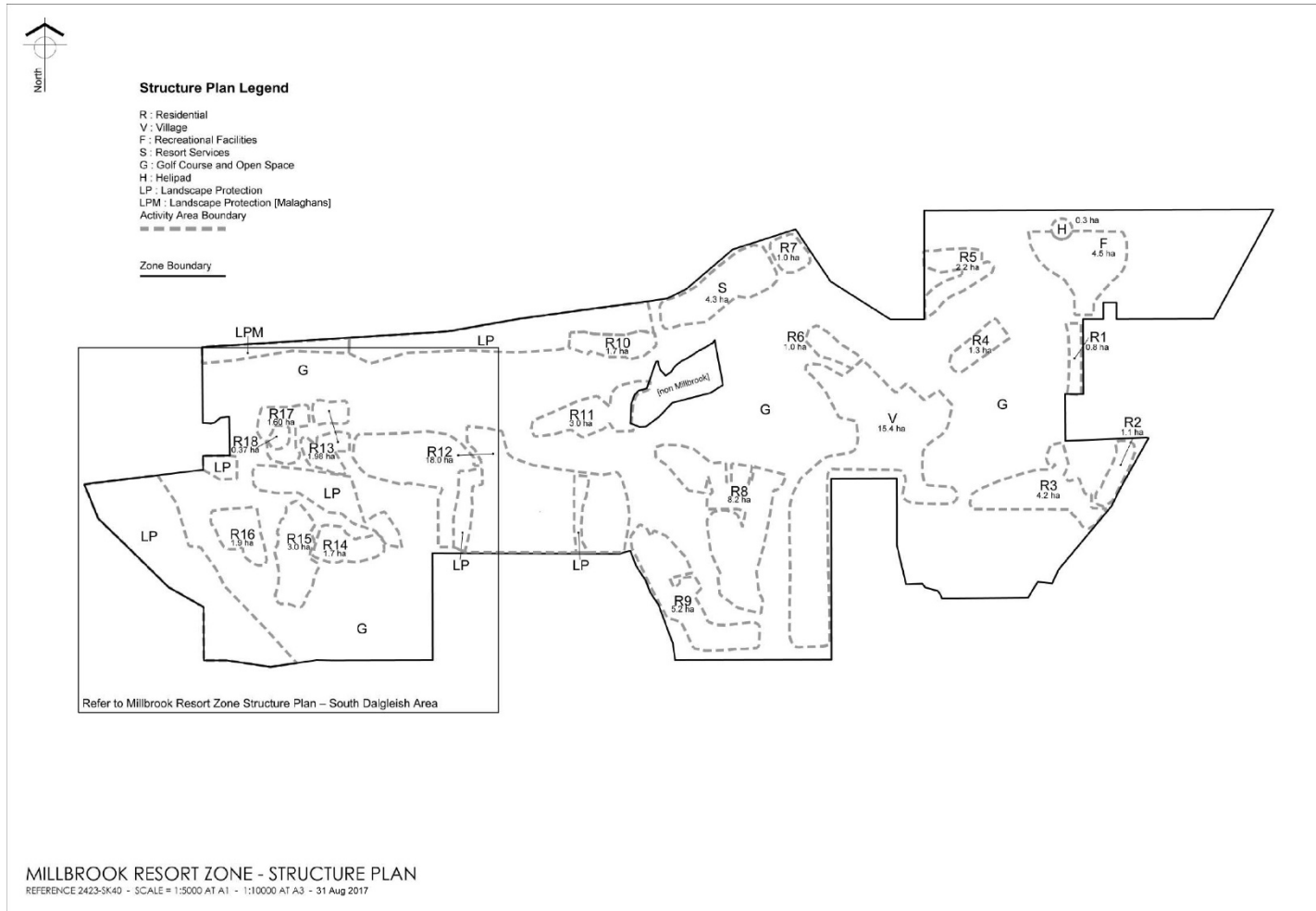
<u>Overlay Area</u>	<u>Plant List</u>
<u>Gully Planting Overlay</u>	<ul style="list-style-type: none"> • Carex secta • Hebe salicifolia • Aristotelia serrata • Coprosma lucida • Coprosma propinqua • Fuscopora solandri var. cliffortioides • Olearia lineata • Cortaderia richardii • Phormium tenax
<u>Open Planting Overlay:</u>	<ul style="list-style-type: none"> • Coprosma propinqua • Leonohebe cupressoides • Olearia odorata • Melicytus alpinus • Sophora microphylla • Olearia avicenniifolia • Carmichaelia petriei • Poa colensoi • Hebe subalpina

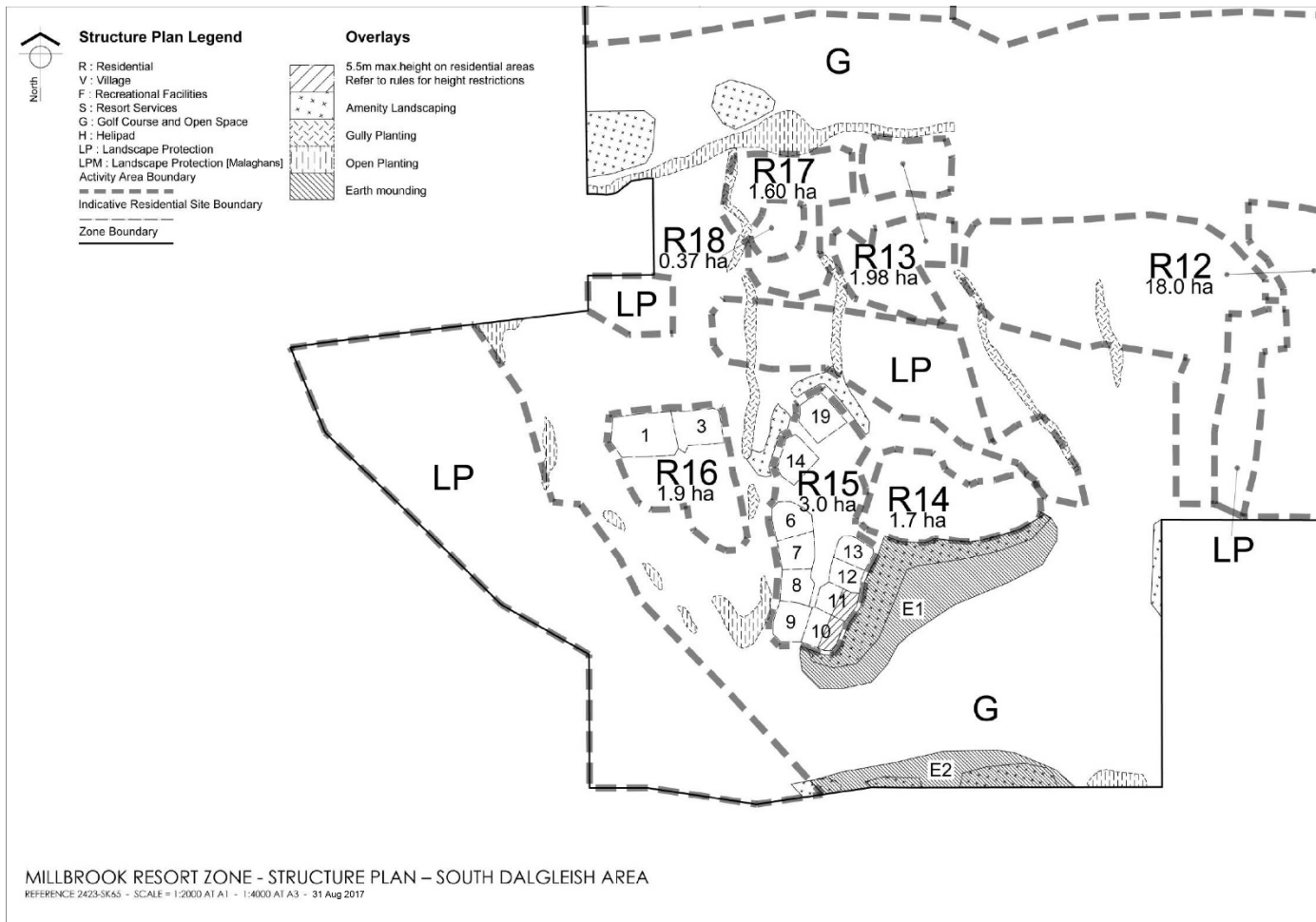
43.6 Non-Notification of Applications

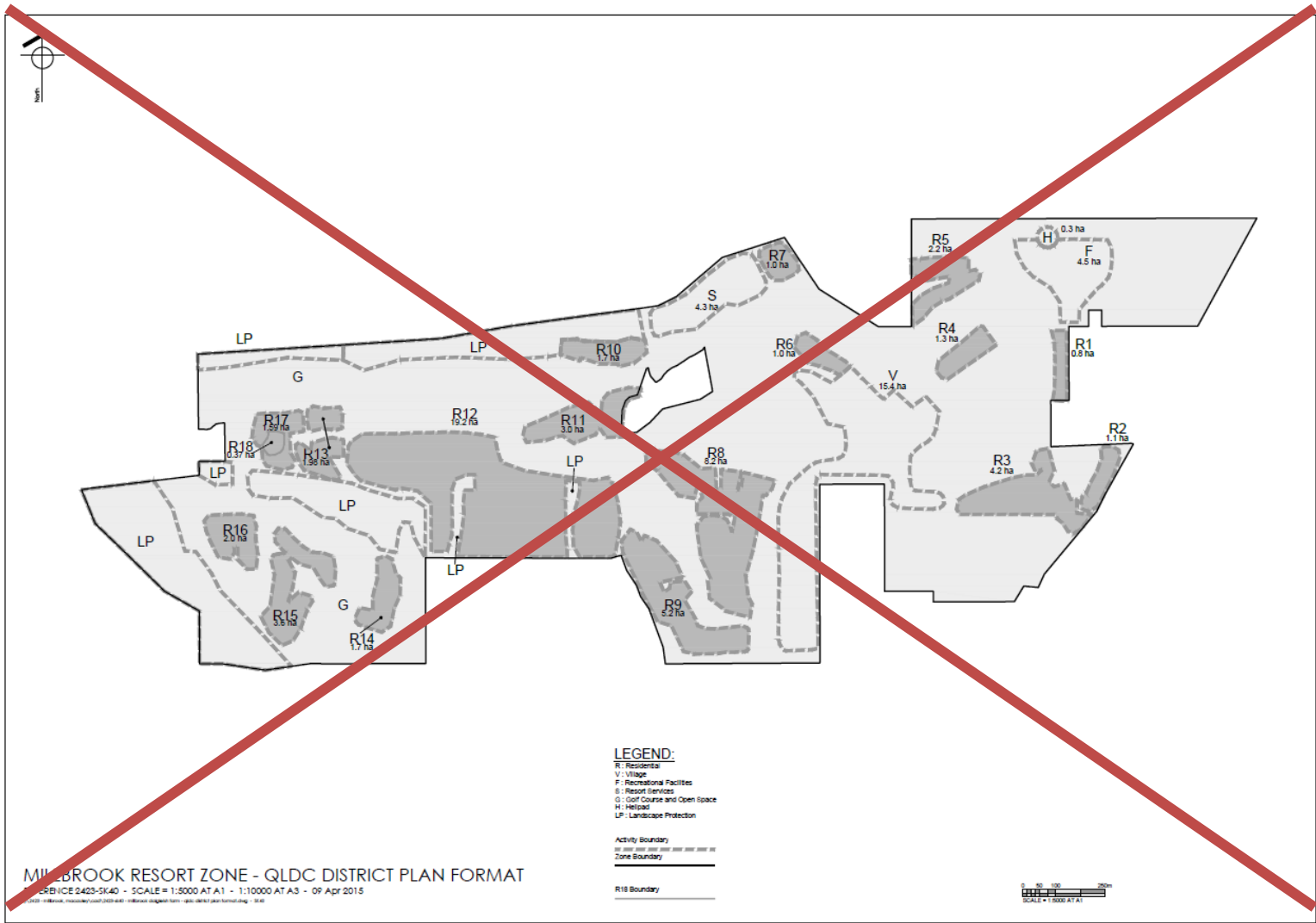
43.6.1 Except as provided for by the Act, all applications for controlled activities and restricted discretionary activities will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.

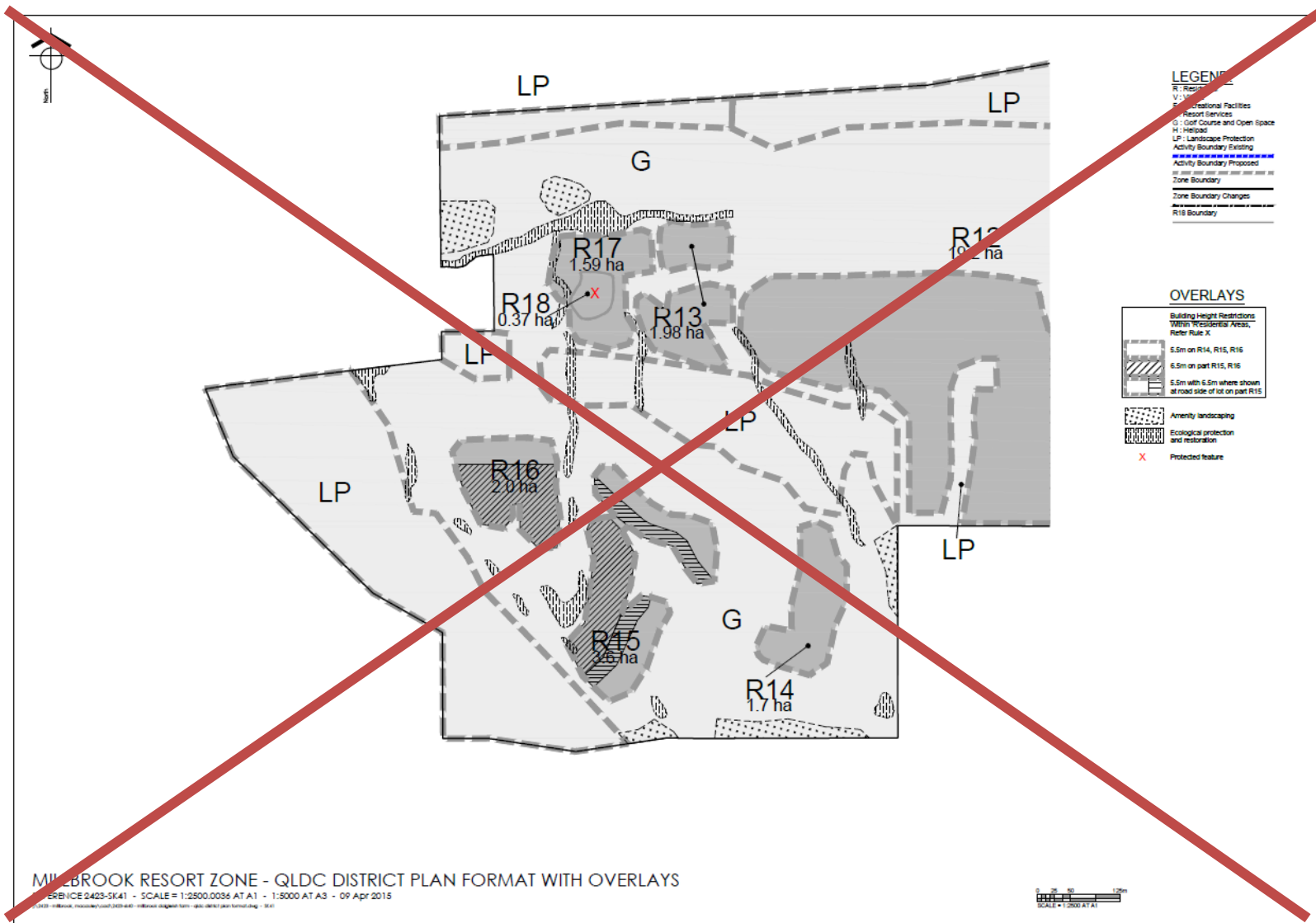
[Amended Structure Plan to Be Appended]

43.7 Structure Plans









APPENDIX 3

List of submitters, and whether the submissions are accepted, accepted in part or rejected

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
14.1		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.1	FS1272.1	John Griffin	Support	Reject	Section 6
14.1	FS1291.1	Philippa Archibald	Support	Reject	Section 6
14.1	FS1302.1	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.1	FS1349.26	X-Ray Trust	Support	Reject	Section 6
14.2		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.2	FS1272.2	John Griffin	Support	Reject	Section 6
14.2	FS1291.2	Philippa Archibald	Support	Reject	Section 6
14.2	FS1302.2	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.2	FS1349.27	X-Ray Trust	Support	Reject	Section 6
14.3		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.3	FS1272.3	John Griffin	Support	Reject	Section 6
14.3	FS1291.3	Philippa Archibald	Support	Reject	Section 6
14.3	FS1302.3	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.3	FS1349.28	X-Ray Trust	Support	Reject	Section 6
14.4		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.4	FS1272.4	John Griffin	Support	Reject	Section 6
14.4	FS1291.4	Philippa Archibald	Support	Reject	Section 6
14.4	FS1302.4	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.4	FS1349.29	X-Ray Trust	Support	Reject	Section 6
14.5		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.5	FS1272.5	John Griffin	Support	Reject	Section 6
14.5	FS1291.5	Philippa Archibald	Support	Reject	Section 6
14.5	FS1302.5	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.5	FS1349.30	X-Ray Trust	Support	Reject	Section 6
14.6		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.6	FS1272.6	John Griffin	Support	Reject	Section 6

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
14.6	FS1291.6	Philippa Archibald	Support	Reject	Section 6
14.6	FS1302.6	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.6	FS1349.31	X-Ray Trust	Support	Reject	Section 6
14.7		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.7	FS1272.7	John Griffin	Support	Reject	Section 6
14.7	FS1291.7	Philippa Archibald	Support	Reject	Section 6
14.7	FS1302.7	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.7	FS1349.32	X-Ray Trust	Support	Reject	Section 6
14.8		Gerald Siddall and Richard Tweedie		Reject	Section 10
14.8	FS1272.8	John Griffin	Support	Reject	Section 6
14.8	FS1291.8	Philippa Archibald	Support	Reject	Section 6
14.8	FS1302.8	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
14.8	FS1349.33	X-Ray Trust	Support	Reject	Section 6
14.9		Gerald Siddall and Richard Tweedie		Reject	Section 6
14.9	FS1272.9	John Griffin	Support	Reject	Section 6
14.9	FS1291.9	Philippa Archibald	Support	Reject	Section 6
14.9	FS1302.9	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
19.26		Kain Fround		Accept in Part	Section 6
234.8		Dan Egerton		Reject	Section 6
234.8	FS1266.9	Millbrook Country Club Limited (Millbrook); - Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose	Accept	Section 6
346.8		Jillian Egerton		Reject	Section 6
346.8	FS1266.18	Millbrook Country Club Limited (Millbrook); - Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose	Accept	Section 6
356.26		X-Ray Trust Limited		Reject	Section 6
356.26	FS1306.4	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
356.27		X-Ray Trust Limited		Accept in Part	Section 6
356.27	FS1306.5	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 6
356.28		X-Ray Trust Limited		Accept	Section 6

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
356.28	FS1306.6	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
356.29		X-Ray Trust Limited		Reject	Section 6
356.29	FS1306.7	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
356.3		X-Ray Trust Limited		Reject	Section 6
356.3	FS1306.8	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 6
356.31		X-Ray Trust Limited		Accept in Part	Section 6
356.31	FS1306.9	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 6
356.31	FS1317.2	Gerald and Richard Siddall and Tweedie	Support	Reject	Section 6
356.37		X-Ray Trust Limited		Accept in Part	Section 10
356.4		X-Ray Trust Limited		Accept in Part	Section 6
356.4	FS1306.3	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 6
383.1		Queenstown Lakes District Council		Reject	Section 10
383.1	FS1214.7	Z-Energy Ltd	Oppose	Accept in Part	Section 10
383.1	FS1272.20	John Griffin	Oppose	Reject	Section 10
383.1	FS1291.20	Philippa Archibald	Oppose	Reject	Section 10
383.101		Queenstown Lakes District Council		Accept in Part	Section 9
383.101	FS1264.11	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 9
383.101	FS1272.21	John Griffin	Oppose	Reject	Section 9
383.101	FS1291.21	Philippa Archibald	Oppose	Reject	Section 9
383.102		Queenstown Lakes District Council		Accept in Part	Section 8
383.102	FS1264.12	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 8
383.102	FS1272.22	John Griffin	Oppose	Reiect	Section 8
383.102	FS1291.22	Philippa Archibald	Oppose	Reiect	Section 8
383.103		Queenstown Lakes District Council		Reject	Section 8
383.103	FS1264.13	Millbrook Country Club Limited (Millbrook)	Oppose	Accept in Part	Section 8
383.103	FS1272.23	John Griffin	Oppose	Reject	Section 8
383.103	FS1291.23	Philippa Archibald	Oppose	Reject	Section 8
383.104		Queenstown Lakes District Council		Reject	Section 10
383.104	FS1264.14	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 10

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
383.104	FS1272.24	John Griffin	Oppose	Reject	Section 10
383.104	FS1291.24	Philippa Archibald	Oppose	Reject	Section 10
383.105		Queenstown Lakes District Council		Accept	Section 10
383.105	FS1272.25	John Griffin	Oppose	Reject	Section 10
383.105	FS1291.25	Philippa Archibald	Oppose	Reject	Section 10
383.106		Queenstown Lakes District Council		Accept in Part	Section 10
383.106	FS1272.26	John Griffin	Oppose	Reject	Section 10
383.106	FS1291.26	Philippa Archibald	Oppose	Reject	Section 10
383.106	FS1349.34	X-Ray Trust	Oppose	Reject	Section 10
383.93		Queenstown Lakes District Council		Accept in Part	Section 10
383.93	FS1264.4	Millbrook Country Club Limited (Millbrook)	Oppose	Reject	Section 10
383.93	FS1272.13	John Griffin	Oppose	Reject	Section 10
383.93	FS1291.13	Philippa Archibald	Oppose	Reject	Section 10
383.94		Queenstown Lakes District Council		Accept in Part	Section 10
383.94	FS1264.5	Millbrook Country Club Limited (Millbrook)	Oppose	Reject	Section 10
383.94	FS1272.14	John Griffin	Oppose	Reject	Section 10
383.94	FS1291.14	Philippa Archibald	Oppose	Reject	Section 10
383.95		Queenstown Lakes District Council		Reject	Section 10
383.95	FS1264.6	Millbrook Country Club Limited (Millbrook)	Oppose	Reject	Section 10
383.95	FS1272.15	John Griffin	Oppose	Reject	Section 10
383.95	FS1291.15	Philippa Archibald	Oppose	Reject	Section 10
383.96		Queenstown Lakes District Council		Reject	Section 8
383.96	FS1264.7	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 8
383.96	FS1272.16	John Griffin	Oppose	Reject	Section 8
383.96	FS1291.16	Philippa Archibald	Oppose	Reject	Section 8
383.97		Queenstown Lakes District Council		Reject	Section 8
383.97	FS1264.8	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 8
383.97	FS1272.17	John Griffin	Oppose	Reject	Section 8
383.97	FS1291.17	Philippa Archibald	Oppose	Reject	Section 8

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
383.98		Queenstown Lakes District Council		Reject	Section 8
383.98	FS1264.9	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 8
383.98	FS1272.18	John Griffin	Oppose	Reject	Section 8
383.98	FS1291.18	Philippa Archibald	Oppose	Reject	Section 8
383.99		Queenstown Lakes District Council		Reject	Section 10
383.99	FS1214.6	Z-Energy Ltd	Oppose	Accept in Part	Section 10
383.99	FS1264.10	Millbrook Country Club Limited (Millbrook)	Oppose	Accept	Section 10
383.99	FS1272.19	John Griffin	Oppose	Reject	Section 10
383.99	FS1291.19	Philippa Archibald	Oppose	Reject	Section 10
499.4		Skipp Williamson		Accept in Part	Section 7
499.4	FS1298.12	Wakatipu Equities	Support	Reject	Section 6
499.5		Skipp Williamson		Accept	Section 6
499.6		Skipp Williamson		Accept in Part	Section 7
499.7		Skipp Williamson		Reject	Section 7
558.4		Spruce Grove Trust		Reject	Section 6
558.4	FS1266.30	Millbrook Country Club Limited (Millbrook); - Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose	Accept	Section 6
559.4		Spruce Grove Trust		Reject	Section 6
559.4	FS1266.35	Millbrook Country Club Limited (Millbrook); - Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose	Accept	Section 6
696.16		Millbrook Country Club Ltd		Accept	Section 6
696.16	FS1272.11	John Griffin	Oppose	Reject	Section 6
696.16	FS1291.11	Philippa Archibald	Oppose	Reject	Section 6
696.16	FS1349.36	X-Ray Trust	Oppose	Reject	Section 6
696.17		Millbrook Country Club Ltd		Accept	Section 10
696.17	FS1272.12	John Griffin	Oppose	Reject	Section 10
696.17	FS1291.12	Philippa Archibald	Oppose	Reject	Section 10
696.17	FS1317.9	Gerald and Richard Siddall and Tweedie	Oppose	Reject	Section 10
696.17	FS1349.39	X-Ray Trust	Oppose	Accept in Part	Section 10

Submission	Further Submission	Name	Further Submission Position	Hearings Panel Recommendation	Report Ref.
818.1		Michael Hill Tournaments Limited		Accept	Section 6
818.1	FS1317.8	Gerald and Richard Siddall and Tweedie	Oppose	Reject	Section 6
818.1	FS1349.37	X-Ray Trust	Oppose	Reject	Section 6

APPENDIX 4

**List of submissions and related further submissions transferred to
Wakatipu Basin Mapping Hearing Stream**

Submission No	Further Submission No	Name	Further Submission Position
234.2		Dan Egerton	
234.2	FS1266.3	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
234.2	FS1317.4	Gerald and Richard Siddall and Tweedie	Oppose
234.3		Dan Egerton	
234.3	FS1266.4	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
234.4		Dan Egerton	
234.4	FS1266.5	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
234.5		Dan Egerton	
234.5	FS1266.6	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
346.2		Jillian Egerton	
346.2	FS1266.12	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
346.2	FS1317.6	Gerald and Richard Siddall and Tweedie	Oppose
346.3		Jillian Egerton	
346.3	FS1266.13	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
346.4		Jillian Egerton	
346.4	FS1266.14	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
346.5		Jillian Egerton	
346.5	FS1266.15	Millbrook Country Club Limited (Millbrook);	Oppose

Submission No	Further Submission No	Name	Further Submission Position
		Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	
446.1		Roger Donaldson	
446.1	FS1264.1	Millbrook Country Club Limited (Millbrook)	Oppose
446.1	FS1317.16	Gerald and Richard Siddall and Tweedie	Support
446.1	FS1349.35	X-Ray Trust	Support
541.2		Boundary Trust	
541.2	FS1266.21	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
541.2	FS1304.2	Walrus Jack Trustee Limited	Oppose
541.2	FS1317.13	Gerald and Richard Siddall and Tweedie	Oppose
541.4		Boundary Trust	
541.4	FS1266.23	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
558.2		Spruce Grove Trust	
558.2	FS1266.28	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose
559.2		Spruce Grove Trust	
559.2	FS1266.33	Millbrook Country Club Limited (Millbrook); Dan and Jillian Egerton m Boundary Road Trust, Spruce Grove Trust	Oppose

"C"

Notice of Decision on QLDC Proposed District Plan 2015

Pursuant to clause 10 and 11 of the First Schedule to the Resource Management Act 1991, public notice is hereby given that the Queenstown Lakes District Council has made decisions on the submissions and further submissions to **Chapter 43: Millbrook** of the Proposed District Plan at its meeting on 28 September 2017.

The effect of the decisions is to adopt the recommendations of the Independent Hearings Panel to confirm amended provisions for Chapter 43 Millbrook including the Millbrook Resort Zone Structure Plan and the Millbrook Resort Zone on Planning Map 26. The District Plan shall be deemed to have been amended in accordance with those decisions from the date of this public notice.

The decision report and decisions on submissions and further submissions is available for inspection at the following locations:

- QLDC website: www.qldc.govt.nz
Go to Planning & Consents → Operative District Plan → Proposed District Plan → Proposed District Plan Decisions
- **Queenstown**
Council offices: 10 Gorge Road
Public library: 10 Gorge Road
- **Arrowtown**
Public library: 58 Buckingham Street
- **Wanaka**
Council offices: 47 Ardmore Street
Public library: Dunmore Street

A person who made a submission on Chapter 43: Millbrook may appeal this decision to the Environment Court within 30 working days of the service of this notice.

For further information on the plan changes please contact Queenstown Lakes District Council on (03) 441 0449 or email DP.Hearings@qldc.govt.nz.