

**BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KOTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2019-CHC-000034

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER of an appeal pursuant to Clause 14(1) of
Schedule 1 of the Act in relation to the proposed
Queenstown Lakes District Plan

BETWEEN **THE SPRUCE GROVE TRUST**

Appellant

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

**NOTICE OF MILLBROOK COUNTRY CLUB LIMITED'S WISH TO BE A PARTY
TO PROCEEDINGS PURSUANT TO SECTION 274 OF THE ACT**

Dated: 31 May 2019

Counsel acting:

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TO: The Registrar
Environment Court
CHRISTCHURCH

1. Millbrook Country Club Limited (**Millbrook**) wishes to be a party pursuant to section 274 of the Act to the following proceedings:

Trustees of the Spruce Grove Trust v QLDC (ENV-2019-CHC-000034) being an appeal against a decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**) in respect of land at 1124 Malaghan Road and a group of unrelated sites at Butel Road (Being 459 and 461 Arrowtown-Lake Hayes Road, 9 Orchard Hill, 29 Butel Road and 9 Butel Road).

2. Millbrook has an interest greater than the public generally because of the necessity to develop the Millbrook Resort Zone in an integrated and efficient manner.
3. Millbrook was an original submitter #2295 and a further submitter #2773 on submissions 558, 2512, 346, 2419, 541, 2444, 2413 and 234 in relation to the zoning of the sites that are the subject of this appeal. Notably, the appellant's original submission #2513 referred only to its land at 1124 Malaghan Road.
4. Millbrook is not a trade competitor for the purposes of s 308C or s 308CA of the Act.
5. Millbrook is interested in all of the proceedings.
6. Without derogating from the generality of the above, Millbrook is interested in the following particular issues:
 - (a) The amenity impacts of the proposed expansion to the Millbrook Resort Zone (MRZ) at this location in the absence of development constraints integral to the objective and policies of the MRZ including:
 - (i) The potential for the proposed extent and type of development, and ownership to undermine and detract from the amenity values of the MRZ including impacts on visual and open space amenity as experienced from resort facilities, dwellings and open space;
 - (ii) Potential impacts on visual and open space amenity as experienced from tracks, trails, internal roads and


fairways within the resort and particularly those used by members of the Millbrook Country Club to access the resort facilities from other parts of the resort;

- (iii) Potential diminution of the special qualities enabled and maintained by the MRZ and the non-statutory methods which control design, construction and behaviours on privately owned land within the MRZ;
- (iv) The suitability of the Appellant's land at 1124 Malaghan Road for resort development because it is a small but relatively steep and obtrusive roche moutonee with little capacity for any resort activities other than open space;
- (v) The suitability of the Appellant's other lands at Butel Road, Lake Hayes-Arrowtown Road and Orchard Hill for resort development because of their separation from existing resort facilities and their inability to provide or be integrated into other resort facilities whilst providing the level of residential density intended by the appellant; and
- (vi) Potential impacts on the level of service presently provided by the tracks, trails and internal roads within the resort.

- (b) A fundamental lack of integration and cohesiveness between the intensive residential development sought by the appellant and the existing amenities and facilities provided by MRZ Structure Plan;
- (c) The potential impact of intensive residential development as promoted by the appellant at the Primary Hearing;
- (d) A lack of development constraints recognised as necessary by the Environment Court decision in *Spruce Grove Trust v QLDC* ENV-2009-CHC-55 (RM 080176) which correctly concluded that the capacity of the Appellant's Malaghan Road land for residential development was limited to four residential allotments across the lower slopes of its southern face only, with the balance to be held as open space as repeated in the 2018 renewal (RM 180571) to the related Berkshire Trust which accepts and reiterates the development constraints of the land at 1124 Malaghan Road;

- (e) A lack of cohesive connection, visual and otherwise between the Appellant's land with the resort facilities on the adjacent MRZ;
 - (f) A lack of cohesive connection a with storm water and waste water which are proposed to be discharged to land in circumstances where there is insufficient available land and no overland flow path for storm water from the site
 - (g) A lack of contribution to the amenity of the MRZ and in particular, the passive or active open space within the MRZ the proposed borrowing of open space resulting from selecting Chapter 43 policies and rules to escape site coverage and density constraints which will potentially detract from the golf tourism values and landscape, visual and amenity values of the existing resort facilities and the purpose of the MRZ;
 - (h) The reasoning of the primary decision of the QLDC to zone the Land WBRAZ.
7. Any further, more refined, consequential, additional, other or alternative relief that might be deemed to give effect to this appeal and/or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.
8. Millbrook agrees to participate in mediation or other alternative dispute resolution.

DATED 31 May 2019



IM Gordon
Counsel for the section 274 party

Address for service of person wishing to be a party

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Advice:

If you have any questions about this notice, contact the Environment Court in Christchurch.