

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 9:
Millbrook

**MINUTE CORRECTING OMISSION IN
SUBMISSION 446 – R DONALDSON**

1. The Hearing Panel has received a memorandum dated 24 January 2017 from counsel for Mr Donaldson. Counsel advises that they have only been instructed in the past week and that Mr Donaldson lodged his submission personally, without legal or expert advice. Counsel seeks to have the submission amended so that it seeks to include as an outcome that the zoning of Dalgeish Farm as Millbrook Resort Zone be refused.
2. The submission was lodged using the Council's online form. It shows that the submitter opposes Chapter 43 Millbrook Resort Zone. Under the heading "*I seek the following decision*" the submission outlines that, if the Council extended the Millbrook Resort Zone as proposed, a more equitable zoning should apply to the submitter's property. In the portion headed "*My submission is*" the submission notes concern that, as a neighbour, the submitter would be adversely affected by the extended zone.
3. I agree with counsel's submission that, although the submission does not expressly seek the removal of the Millbrook Resort Zone from the adjoining land, it does oppose it. I also consider that, as the relief sought is phrased as "*If Council grants Millbrook an extension of the Millbrook Resort Zone*", and as the potential for adverse effects arising from such extension is raised in the submission, it is implicit that the submission is opposed to the extension of the Millbrook Resort Zone onto Dalgeish Farm.
4. I have delegated powers to deal with procedural matters under sections 37 and 37A of the Act. Within these sections, I consider that only s.37(2) is available. That subsection deals with situations where information provided is inaccurate or omitted. In this instance, although the submitter has implicitly expressed

opposition to the zoning, he has omitted to specify that in the section headed “*I seek the following decision*”.

5. As a careful reading of the submission discloses the submitter’s opposition to the zoning, I am satisfied that no person would be unduly prejudiced if I were to direct that the omission be rectified by amending the relief sought to include “*Reject the zoning of Dalgeish Farm as Millbrook Resort Zone, or,*” at the commencement of the second sentence so that it reads:

Reject the zoning of Dalgeish Farm as Millbrook Resort Zone, or, if Council grants Millbrook an extension of the Millbrook Resort Zone, I request the zoning of my property be altered to more equitably represent the nature of the Millbrook activities that currently do and will surround my property.

6. For these reasons, pursuant to s.37(2) I direct the submission be amended as stated in paragraph 5.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'Nugent', is written over a light blue circular stamp.

Denis Nugent (Chair)

24 January 2017