

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

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Hearing Stream 9 – Resort
Zones

MEMORANDUM OF COUNSEL ON BEHALF OF ROGER DONALDSON

24 January 2017

GTODD law
LAWYERS & NOTARY PUBLIC

MAY IT PLEASE THE PANEL

1. We act for Roger Donaldson (“the submitter”). We have only been instructed in this matter in the last week. Prior to that the submitter has had no legal or resource management advice on this matter.
2. The submitter owns the property legally described as Lot 3 Deposited Plan 20693 located off Malaghans Road in Queenstown (“the property”), having purchased the property in 1990. The submitter has New Zealand residency but currently resides in the United States.
3. The property currently has land zoned Millbrook Zone on its northern and eastern boundaries and has land zoned Rural but consented for rural lifestyle development on its southern boundary. Dalglish Farm is on the Western boundary and is currently zoned Rural General, but of course proposed to be zoned Millbrook. If such zoning is approved my client’s property will be totally surrounded by either Millbrook or rural lifestyle properties.
4. The submitter personally made a submission #446 (“the submission”) with regard to the Millbrook Zone seeking that the property be re-zoned Millbrook Zone or alternatively Rural Lifestyle Zone out of concerns he had as to potential increased density in the area due to the proposed re-zoning of Dalglish Farm from Rural General Zone to Millbrook Zone (“the re-zoning”).
5. Because the submission did not specifically seek in the section entitled ‘relief sought’ to oppose the re-zoning the Council and the Panel have interpreted the submission as not being in opposition to the re-zoning and thus the Chair of the Panel has determined in the minute dated the 7th day of December 2016¹ that the submission will not be transferred to the Resort Zone Hearings on the re-zoning of Dalglish Farm taking place in later this month.
6. We submit that although the submission did not expressly seek to oppose the re-zoning, it can be seen from the reasons given for the submission that it was the submitter’s intention to oppose the re-zoning. Furthermore it is understood that Millbrook Country Club Limited whose submission seeks the re-zoning is aware of the submitter’s opposition to the re-zoning.
7. We therefore seek leave to apply to have the submission amended so that it seeks to include as an outcome that the re-zoning of Dalglish Farm from Rural General Zone to Millbrook Zone be denied. Alternatively if the re-zoning is approved then the submission seeks that the submitter’s property be re-zoned Millbrook Zone or alternatively Rural Lifestyle Zone.

¹ Second Minute Concerning a Request to Transfer Submissions on the Millbrook Zone to the February Hearing (7 December 2016)

8. As owners of the neighbouring property to Dalgleish Farm the submitter will be directly affected by the proposed re-zoning and therefore has a greater interest in the matter than the general public.
9. We submit that no party will be unduly prejudiced if such an amendment to the submission was accepted. We submit this on the basis that Millbrook Country Club Limited has acknowledged that the submitter was opposed to the re-zoning and we understand they are proceeding on that basis. There are other parties who have made submissions opposing the re-zoning so any amendment to the submission will not be introducing a new form of relief. Further the Council has given notice to the submitter that the submission is to be heard by you in February and the submitter has already reserved time to be heard.
10. We trust that you will accept this request to amend the submission and accordingly allow the submission to be heard in the Resort Zone Hearings. I confirm that the application seeks to amend the submission to the extent that the relief sought is amended to include that the submission seeking re-zoning of Dalgleish Farm as part of the Millbrook Zone be rejected. Alternatively if the re-zoning of Dalgleish Farm is approved then the submission seeks that the submitter's property be rezoned Millbrook Zone or alternatively Rural Lifestyle Zone.

Dated this 24rd day of January 2017



.....
BENJAMIN BRETT GRESSON

Counsel for Roger Donaldson