

**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 submissions to the Proposed District
Plan Stage 2
BY **R & M DONALDSON** (#2229, #2797)
AND **MILLBROOK COUNTRY CLUB**
LIMITED (#2295, #2773)

JOINT MEMORANDUM OF COUNSEL

Dated: *7th* August 2018

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

G M Todd/B B Gresson
PO Box 124
Queenstown 9348
P 03 441 2743
F 03 441 2976
graeme@toddandwalker.com;
ben@toddandwalker.com

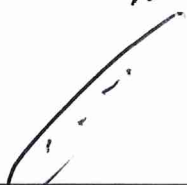
MAY IT PLEASE THE PANEL:**Introduction**

1. This joint memorandum of counsel is filed on behalf of R & M Donaldson ("**Donaldsons**") and Millbrook Country Club Limited ("**Millbrook**") who each filed submissions on Stage 2 of the Proposed District Plan ("**PDP**") in relation to the zoning of the Donaldsons' property legally described as Lot 3 DP 20693 ("**Donaldsons' land**").
2. The Donaldsons filed an original submission which inter alia supported the zoning of the Donaldsons' land as Wakatipu Basin Lifestyle Precinct ("**Precinct**"). Millbrook's original submission opposed in part the Precinct zoning for the Donaldsons' land. Millbrook's further submission accepted the Precinct zoning but sought additional site-specific provisions be applied to the Donaldsons' land.
3. Subsequent to the filing of their respective submissions and the evidence given in support of the same the parties have continued negotiations in an attempt to reach agreement as to a set of site-specific provisions for the Donaldsons' land.

Amended Plan Provisions

4. The Donaldsons and Millbrook have agreed to a set of amended site-specific provisions and seek they be adopted by the Panel in its recommendations on the Wakatipu Basin chapter of the PDP.
5. The Donaldsons and Millbrook confirm the adoption of these proposed provisions by the Panel will resolve both parties' submissions with respect to the site specific provisions applying to the Donaldsons' land.
6. Details of the proposed provisions are attached as **Appendix 1** to this memorandum.

Dated this 7th day of August 2018



G M Todd
Counsel for R & M Donaldson



I M Gordon
Counsel for Millbrook Country Club Limited

APPENDIX 1

Insert new Policy into Chapter 27 as follows:

Lot 3 DP 20693, Malaghans Road (south of Millbrook) – Policy

27.3.13.1 On Lot 3 DP20693 (south of the Millbrook Zone), provide for smaller lot sizes, a reduced overall density of development, and landscape mitigation to reduce potential adverse visual effects when viewed from the portion of the Golf Course and Open Space Activity Area (Millbrook Resort Zone) immediately adjacent to the western boundary of Lot 3 DP20693 and the first row of Millbrook residences near the northern and eastern boundaries of Lot 3 DP20693.

Insert new rule into Chapter 27 as follows:

	Zone and Location Specific Rules	Activity Status
<u>27.7.X</u>	<p>Lot 3 DP20693 (Malaghans Road, south of Millbrook): <u>Subdivision failing to comply with the following:</u></p> <ul style="list-style-type: none"> i. Minimum lot area 2500m² ; ii. No more than 15 lots <i>or building platforms</i> in total are created; iii. No more than 5 lots <i>or building platforms</i> shall be located west of the existing water race on the property; iv. Any building platform shall be no less than 15m from the western, northern or eastern boundaries of Lot 3 DP20693; v. Landscape mitigation shall be implemented <u>where necessary to soften the appearance of buildings when viewed from the portion of the Golf Course and Open Space Activity Area (Millbrook Resort Zone) immediately adjacent to the western boundary and the first row of Millbrook residences that are near the northern and eastern boundaries.</u> 	<u>NC</u>

An introductory objective may be added as follows (which would be consistent with the District Plan formatting):

Objective

27.3.13 Enable subdivision and residential development on Lot 3 DP20693 while mitigating potential adverse effects on the adjacent activities within the Millbrook Resort Zone.