

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

ENV-2018-CHC-

I MUA I TE KOOTI TAIAO  
I ŌTAUTAHI ROHE

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

**AND**

**IN THE MATTER** of an appeal under clause 14 of the first  
Schedule of the Act

**BETWEEN** **Matakauri Lodge Limited**  
**Appellant**

**AND** **Queenstown Lakes District Council**  
**Respondent**

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**NOTICE OF APPEAL ON THE PROPOSED QUEENSTOWN LAKES DISTRICT  
PLAN**

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 **ATKINS | HOLM | MAJUREY**

Mike Holm  
PO Box 1585  
Shortland Street  
AUCKLAND 1140

**TO:** The Registrar  
Environment Court  
**CHRISTCHURCH**

1. Matakauri Lodge Limited (Matakauri Lodge) appeals against a decision of the Queenstown Lakes District Council to remove the visitor accommodation (VA) subzone provisions and maps from the Proposed District Plan (PDP) (Decision).
2. Matakauri Lodge made a submission (#595) and further submission (#1224) on the VA provisions and maps on the PDP.
3. Matakauri Lodge is not a trade competitor for the purposes of section 308D of the Act.
4. Matakauri Lodge received notice of the Decision on 7 May 2018.
5. The Decision was made by Queenstown Lakes District Council.
6. The parts of the Decision that Matakauri Lodge is appealing are the Objectives, Policies and Rules in Chapter 22 – Rural Residential Rural Lifestyle and Map 38. In particular, the parts include:
  - (a) the amendments to Objective 22.2.2;
  - (b) the amendments to Policies 22.2.2.1 and 22.2.2.3;
  - (c) the deletion of the policy to “encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities” (Policy 22.2.2.4 in the PDP as notified);
  - (d) the amendments to Policy 22.2.2.4 (Policy 22.2.2.5 in the PDP as notified);

- (e) the deletion of the controlled activity rule for visitor accommodation and matters of control set out in that rule (Rule 22.4.10 in the PDP as notified);
- (f) the amendments to Rule 22.4.10 (Rule 22.4.11 in the PDP as notified);
- (g) the deletion of the visitor accommodation building coverage rule (Rule 22.5.13 in the PDP as notified);
- (h) the deletion of the non-notification rule for controlled activity visitor accommodation (Rule 22.6.2.1 in the PDP as notified);
- (i) any other objectives, policies and rules within Chapter 22 relevant to visitor accommodation; and
- (j) the deletion of the VA subzone on Map 38.

#### **REASONS FOR APPEAL**

7. The reasons for this appeal are that the Decision:
- (a) does not appropriately recognise and provide for visitor accommodation within the District of which there is currently a significant shortage;
  - (b) fails to recognise the long-standing existing visitor accommodation development on the Site and the employment and contribution to the local economy that flow from that usage;
  - (c) fails to recognise the substantial scale of investment in remediating, upgrading and expanding the accommodation facilities, the associated landscaping and the significant native planting undertaken on the Site;

- (d) is inconsistent with the expert landscape and planning evidence provided by the Council and Matakauri Lodge;
- (e) to remove the VA subzone was not supported by any expert evidence;
- (f) is contrary to the strategic direction set out in (decisions version of) Chapter 3 of the PDP and in particular the:
  - (i) purpose, which recognises that one of the special qualities of the District is “an innovative and diversifying economy based around a strong visitor industry “(3.1); and
  - (ii) strategic objectives, which seek to achieve “development of a prosperous, resilient, and equitable economy in the District”, and which recognise “the significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities services” (3.2.1);
- (g) fails to acknowledge that the provision of a VA subzone on the site is not contrary to Chapter 6 – Landscapes and Rural Character of the PDP;
- (h) does not give effect to the operative and proposed Regional Policy Statement;
- (i) is contrary to Part 2 and in particular does not recognise the contribution that visitor accommodation makes to economic and social wellbeing; and
- (j) does not promote the sustainable management purpose of the Act.

**RELIEF SOUGHT**

8. The Appellant seeks the following relief:
  - (a) incorporation and/or amendment of objective(s), policies and rules that support a VA subzone for the Matakauri Lodge site;
  - (b) reinstatement of the VA subzone on Map 38;
  - (c) such further orders, relief, consequential amendments or other amendments as are considered appropriate and necessary to address the concerns set out in this appeal; and
  - (d) costs of and incidental to this appeal.

**ATTACHMENTS**

9. The following documents are attached to this notice:
  - (a) a copy of Matakauri Lodge's submission and further submission with a copy of the submissions opposed by Matakauri Lodge (Annexure A);
  - (b) a copy of the relevant parts of the Decision (Annexure B);
  - (c) a copy of Chapter 22 and Map 38 of the PDP as notified (Annexure C); and
  - (d) a list of the names and addresses of persons to be served with a copy of this notice (Annexure D).



**DATE:** 15 June 2018

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**Mike Holm / Vicki Morrison-Shaw**

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Limited

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**ADVICE TO RECIPIENTS OF COPY OF NOTICE**

*How to become party to proceedings*

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the relevant submission, further submission or part of the decision. These documents may be obtained, on request, from the appellant.

*Advice*

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