

31 July 2020

Katherine Robertson  
Queenstown Lakes District Council  
**QUEENSTOWN**

**By email:** [Katherine.robertson@qldc.govt.nz](mailto:Katherine.robertson@qldc.govt.nz)

Dear Katherine

**PDP STAGE 3: MATAKAURI LODGE SUBMISSION (31033)**

1. You will recall that the Panel Chairman, during the hearing on 29 July, directed that I provide the Panel with a written response to specific questions from the panel to Mr Scott Freeman, planning consultant to Matakauri Lodge Limited.
2. I now attach a memorandum of Mr Freeman addressing the questions raised. In summary, I note that the District wide matters, such as Transport, apply to all uses within all zones, irrespective of the status of an activity. Thus, while visitor accommodation in the proposed VAZ applicable to Matakauri Lodge would be a controlled activity the Transport Chapter applies by virtue of its general application to all permitted uses. The proposed inclusion of specific reference to relevant parts of the Transport Chapter in the proposed RVZ for Matakauri Lodge simply reinforces the application of the relevant Transport Chapter provisions to the proposed VAZ for Matakauri Lodge.
3. The fact that third party (in this case QLDC and DoC) agreement would be necessary for highway (QLDC) or right of way upgrades (DoC) would be a risk borne by Matakauri Lodge. Any resource consent for future visitor accommodation expansion might either not be granted – or might not be able to be exercised - if access concerns were not resolved.
4. I would be grateful if you would forward this letter and attached memorandum to the Panel for their consideration.

Yours faithfully

**ATKINS HOLM MAJUREY**



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**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 Stage 3 of the Queenstown Lakes Proposed District Plan

**AND**

**IN THE MATTER** Submission of Matakauri Lodge Limited (31033)

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**MEMORANDUM OF SCOTT ANTHONY FREEMAN**

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## INTRODUCTION

- 1.1 This memorandum has been compiled in order to deal with the application of the Proposed District Plan's ("PDP") Chapter 29 (Transport) in relation to the PDP Rural Visitor Zone ("RVZ"), specifically when dealing with a controlled activity visitor accommodation building (pursuant to Rule 46.4.6).
- 1.2 In addressing the above point, it is useful to traverse the following chapters in the PDP:
- Chapter 1 – Introduction
  - Chapter 29 – Transport
  - Chapter 46 – Rural Visitor Zone

## CHAPTER 1 - INTRODUCTION

- 1.3 Chapter 1 outlines the purpose and implementation of the PDP.
- 1.4 Section 1.6 provides an explanation as to 'How to use this Plan'.
- 1.5 Provision 1.6.3 states:
- Secondly, refer to the relevant Chapter for the zone provisions (objectives, policies and rules) or District Wide Matters. Development may breach several rules across more than one Chapter and all will need to be addressed.*
- 1.6 In determining whether a proposed activity requires a resource consent under the PDP, Provision 1.6.3 is clear that not only the subject zone needs to be assessed, but all relevant District Wide Matters (or chapters) in Part 5 of the PDP.
- 1.7 Provision 1.6.9 deals with the 'Status of Activities', and in relation to controlled activities, it states the following:
- Controlled activities** require resource consent. They shall comply with standards in the Plan and will be assessed according to those matters in the District Plan over which the Council has reserved control. The Council must grant consent to a controlled activity if the application meets the required information standards, but in granting consent the Council may impose conditions that relate only to those matters specified.
- 1.8 The reference to 'complying with the standards in the Plan' refers to the broad application of not only the subject zone, but also the applicable District Wide Matters (Chapters).
- 1.9 Provision 1.6.10 deals with 'Zones and District Wide Rules' and states the following:

*The District is split into several zones to allow different provisions to apply to each. This allows development in each zone to be reflective of the effects anticipated by this Plan. District Wide Matters apply over all zones.*

- 1.10 Provision 1.6.10 is clear that District Wide Matters (or standards/rules) apply over all zones, irrespective of the status of an application.

## **CHAPTER 29 - TRANSPORT**

- 1.11 The rules in 29.4 and Table 29.1 deal with transport related activities outside of a road and the rules in 29.5 and Table 29.3 apply the standards for activities outside roads which are broken down into Parking and Loading and Access.

- 1.12 Rule 29.4.1 states as follows:

*Activities that are listed in this Table as permitted (P) and comply with all relevant standards in Table 29.3 in this Chapter.*

- 1.13 If a transport related activity complies with all of the relevant standards in Table 29.3, then such an activity is a permitted activity.

- 1.14 For example, Rule 29.4.4 states:

*Loading spaces, set down spaces, manoeuvring (including the installation of vehicle turntables), and access*

- 1.15 Under this Rule, if a proposed access complies with all of the Standards in Table 29.3, then such an activity is permitted.

- 1.16 As stated in the evidence of Mr Bartlett and myself, any expansion of the existing visitor accommodation operation at Matakauri Lodge will breach Rule 29.5.14 (Access and Road Design) and Rule 29.5.16 (Design of Vehicle Crossings – Rural).

- 1.17 Rule 29.5.14(a) states:

*All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2018, including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.14b below.*

- 1.18 A restricted discretionary consent is required to breach the above rule, with the following being matters of discretion:

- a) *Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.*
- b) *The design of the access, including the width of the formed and legal width.*

- c) *The on-going management and maintenance of the access.*
- d) *Urban design outcomes*
- e) *The vesting of the access in Council*

1.19 If Rule 29.5.16 is breached, a restricted discretionary consent is required, with the following being matters of discretion:

*effects on safety, efficiency, and amenity of the transport network, including the pedestrian and cycling environment.*

#### **CHAPTER 46 – RURAL VISITOR ZONE**

1.20 The RVZ provisions referred to below are those contained in my Statement of Evidence dated 13<sup>th</sup> May 2020.

1.21 Provision 46.3.1 details the District Wide chapters of the PDP that attention is to be drawn to. The notified version of the RVZ did not include Chapter 29. It is noted that the MLL submission sought the inclusion of Chapter 29.

1.22 Provision 46.3.2 deals with 'Interpreting and Applying the Rules' in the RVZ. Provision 46.3.2.1 states:

*A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).*

1.23 Visitor accommodation is a permitted activity under Rule 46.4.2.

1.24 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11) require a controlled activity consent under Rule 46.4.6.

#### **APPLICATION OF THE RULES**

1.25 If a person applies for the construction of a building to be utilised for visitor accommodation purposes, then:

- a) The visitor accommodation use is permitted under Rule 46.4.2;
- b) The construction of the building would require a controlled activity consent under Rule 46.4.6; and
- c) All other District Wide rules and standards are required to be satisfied (including Chapter 29 – Transport), or else additional consents would need to be obtained.

- 1.26 As a result of the evidence submitted on behalf of MLL, the matters of control for Rule 46.4.6 have been bolstered in terms of transportation matters. The matters of control address the design and layout of site access, on-site parking, manoeuvring and traffic generation.

## **CONCLUSION**

- 1.27 Based on the above, Chapter 29 (and any other relevant District Wide Chapters) is considered to apply to a proposal to construct a visitor accommodation building that is a controlled activity pursuant to Rule 46.4.6.
- 1.28 While a visitor accommodation building is a controlled activity, in the case of Matakauri Lodge, at least two restricted discretionary activity consents are required via Chapter 29 for transportation related rule breaches.
- 1.29 In my opinion, the restricted discretionary activity status of the transport related rule infringements and the matters of discretion contained in Rules 29.5.14 and 29.5.16, provide the Council with the ability to properly consider transportation matters, to require access upgrades , and if the transportation effects cannot be properly addressed, the ability to notify and/or decline an application.