

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

ENV-2019-CHC-

**IN THE MATTER**

of an appeal under the Resource Management Act (1991) to the Environment Court against decisions on the proposed Queenstown Lakes District Council District Plan (stage 2)

**BETWEEN**

**MATAGOURI SPIRIT LIMITED**

**Appellant**

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL: MATAGOURI SPIRIT LIMITED**

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To: The Registrar  
Environment Court  
Christchurch

1. Matagouri Spirit Limited appeals against part of the decision of the Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (PDP) (Stage 2).
2. Matagouri Spirit Limited made a submission (#2404) on the PDP Stage 2.
3. Matagouri Spirit Limited is not a trade competitor for the purpose of section 308D of the Resource Management Act 1991 (RMA)
4. Matagouri Spirit Limited received notice of the decision on 21 March 2019.
5. The decision was made by Queenstown Lakes District Council (QLDC)
6. The parts of the decisions appealed relate to:
  - (a) Those contained in the Report 19.2 of the QLDC Independent Commissioners relating to Visitor Accommodation, including Visitor Accommodation Sub-Zones
  - (b) The provisions of that decision that Matagouri Spirit Limited are appealing are found in Section 12 being a discrete decision not to apply a visitor accommodation subzone on Planning Map 21 over Lot 7 DP 300376, Lot 6 DP 300376 and Lot 8 DP 300376.

### **Background**

7. Matagouri Spirit Limited owns land on the corner of Aubrey Road and Anderson Road, Wanaka (Lot 7 DP 300376). The land is zoned Large Lot Residential.
8. Lot 7 DP 300376 is an empty 4000m<sup>2</sup> section on the corner of Aubrey Road and Anderson Road. Lot 6 and 8 DP 300376 are also 4000m<sup>2</sup> sections directly adjoining Lot 7 DP 300376 and each contain an existing dwelling. Aubrey Road and Anderson Road have an increasing traffic

volume particularly at the intersection of these two roads which directly adjoins these sites. This factor reduces their desirability for residential use. The purpose of the Matagouri Spirit Limited Submission to the PDP Stage 2 was to include a visitor accommodation subzone over Lot 7 DP 300376, Lot 6 DP 300376 and Lot 8 DP 300376 in combination with Lot 28 DP 306009, Lot 29 DP 306009, Lot 30 DP 306009 and Lot 31 DP 306009 which contain the Distinction Wanaka Alpine Resort Serviced Apartments.

9. The Matagouri Spirit Limited Submission was accepted in part by QLDC where a visitor accommodation subzone was included over Distinction Wanaka Alpine Resort Serviced Apartments (Lot 28 DP 306009, Lot 29 DP 306009, Lot 30 DP 306009 and Lot 31 DP 306009) but not over Lot 7 DP 300376, Lot 6 DP 300376 and Lot 8 DP 300376

### **Reasons for the Appeal**

The reasons for this appeal are:

10. The Council failed to give sufficient weight to the fact the area is characterised by visitor accommodation use. A measured extension of this visitor accommodation use into Lot 7 DP 300376, Lot 6 DP 300376 and Lot 8 DP 300376 is seen as an appropriate use for these sites.
11. There is no reason, or evidence, to suggest that a visitor accommodation sub-zone over this land does not achieve the objectives and policies of the Plan or the purpose of the Act.
12. The sites are positioned in a strategic development location in close proximity to the Anderson Heights Business Zone and the Wanaka Town Centre making it ideally suited to create a greater supply of visitor accommodation options within Wanaka.
13. The QLDC Section 32 analysis predicts a high growth in visitor accommodation capacity requirements across the Queenstown Lakes region. Given this predicted level in visitor accommodation growth and the subject sites proximity to the Wanaka Town Centre and the nature of existing visitor accommodation activities in the area makes these sites ideally suited to a visitor accommodation sub-zone.

**Relief sought**

Matagouri Spirit Limited seeks the following relief:

14. The District Plan map and the identified zoning as it relates to the following lots is amended to include a visitor accommodation sub-zone:
  - Lot 7 DP 300376
  - Lot 6 DP 300376
  - Lot 8 DP 300376
15. Any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this appeal.
16. Matagouri Spirit Limited agrees to participate in mediation or alternative dispute resolution.

**Attachments**

17. Matagouri Spirit Limited attaches the following documents to this notice:
  - (a) A copy of Matagouri's original submission;
  - (b) A copy of the Decision.



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**Ian Greaves (on behalf of Matagouri Spirit Limited)**

Planner

6 May 2019

Cc: Queenstown Lakes District Council  
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**Advice to Recipients of Copy of Notice of Appeal**

1. How to become party to proceedings:

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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).

2. How to obtain copies of documents relating to appeal:

The copy of this notice served on you does not attach a copy of the Appellant's submission and/or the decision appealed. These documents may be obtained, on request, from the Appellant.

3. Advice:

If you have any questions about this notice, contact the Environment Court unit of the Department for courts in Christchurch.

**Contact Details of Environment Court for Lodging Documents**

Documents may be lodged with the Environment Court by lodging them with the Registrar:

The Christchurch address of the Environment Court is:

282 Durham Street  
Christchurch 8013

Its Postal address is:

P O Box 2069  
Christchurch 8140

And its telephone and fax numbers are:

Telephone: (03) 962 4170

Fax: (03) 962 4171