

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**Decision No. [2024] NZEnvC 166**

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14 of the First  
Schedule to the Act

BETWEEN

JAN-MARC SERVAAS SCAIFE

(ENV-2021-CHC-022)

Appellant

AND

QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

Court: Environment Judge J J M Hassan  
Environment Commissioner J T Baines

Hearing: In Chambers on the papers at Christchurch

Last case event: 3 July 2024

Date of Decision: 11 July 2024

Date of Issue: 11 July 2024

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**DECISION OF THE ENVIRONMENT COURT  
AS TO AMENDED PROVISIONS**

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A: The appeal is allowed in part, subject to the amended provisions and maps  
attached to this decision as Appendix A and Appendix B.



B: Costs are reserved, but applications are not encouraged. Any application is to be made and served within 10 working days and any reply within a further five working days.

## REASONS

[1] This decision is on an appeal in the review of the Queenstown Lakes District Plan ('PDP') concerning Topic 38, subtopic 2 as to the proposed Rural Visitor Zone ('RVZ'). The appeal concerns the appropriate zoning of Matakauri Lodge, a boutique luxury lodge at 569 Glenorchy-Queenstown Road, Closeburn.

[2] Jan-Marc Servaas Scaife, the appellant, shares a right of way used to access the Lodge. Mr Scaife opposed the zoning of Matakauri as RVZ, seeking that it revert to Rural Living Zone ('RLZ') as was originally notified in the PDP.

### Interim decision

[3] The interim decision<sup>1</sup> determined that the Modified Rural Visitor Zone is the most appropriate zoning for Matakauri Lodge. The court also found that the provisions as recommended in closing submissions for Queenstown Lakes District Council ('QLDC') were the most appropriate, except insofar as otherwise specified. The court provided a preliminary view on the drafting of certain new and amended provisions to be included in the PDP. Directions were made for further expert witness conferencing and the provision of supplementary closing submissions on matters of drafting.<sup>2</sup>

### Final decision

[4] Planning conferencing involving Ms Vicki Jones (for QLDC) and Mr Scott Freeman (for Matakauri Lodge Limited ('MLL')) occurred on 21 November 2023,

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<sup>1</sup> *Scaife v Queenstown Lakes District Council* [2023] NZEnvC 226.

<sup>2</sup> Joint Witness Statement – Planning – Topic 38, subtopic 2 – Rural Visitor Zone, dated 22 November 2023.

with a resulting Joint Witness Statement (‘JWS’) prepared by those experts. The JWS included amended PDP provisions. Supplementary closing submissions were also filed and considered by the court.

[5] In its final decision issued on 15 May 2024<sup>3</sup> the court confirmed the JWS provisions as being the most appropriate, except where specified otherwise. QLDC was directed to provide a final version of all provisions for the court’s approval for inclusion in the PDP.

### **Glen Dene Consent Order**

[6] Subsequent to the court’s final decision, a Consent Order<sup>4</sup> was issued on the Glen Dene appeals, which concerned the provisions of Chapter 46 – Rural Visitor Zone.

[7] The final provisions provided incorporate the changes made by the Glen Dene Consent Order. These include:

- (a) amendment of the note following Pol 46.2.2.5 to refer to both the Lake Hawea and Matakauri RVZs;
- (b) relocation of new Pols 46.2.2.5A to 46.2.2.5D inclusive to sit before Pol 46.2.2.6, rather than having Pol 46.2.2.6 splitting 5A/5B and 5C/5D. The numbering will be corrected to remove the “A” to “D” when incorporated into the PDP pursuant to the QLDC’s cl 16 powers;
- (c) amendment to r 46.5.2 to include an exception for the Lake Hawea RVZ and for readability reasons.

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<sup>3</sup> *Scaife v Queenstown Lakes District Council* [2024] NZEnvC 111.

<sup>4</sup> *Glen Dene Limited v Queenstown Lakes District Council* [2024] NZEnvC 116.

[8] The required PDP mapping amendment is also shown in Appendix B, which reflects the confirmed landscape sensitivity areas.

### **Evaluation**

[9] The QLDC filed a memorandum dated 3 July 2024 attaching the final provisions and maps for approval.

[10] The court is satisfied that the amended provisions are appropriate and reflect the amendments confirmed by the court's preceding decisions and the Glene Dene Consent Order.

### **Outcome**

[11] The PDP provisions and maps are amended in accordance with Appendix A and Appendix B attached to this decision.

[12] Costs are reserved, but applications are not encouraged. Any application is to be made and served within 10 working days and any reply within a further five working days.

For the court



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**J J M Hassan**  
**Environment Judge**

