

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

ENV-2026-CHC-

**I MUA I TE KŌTI TAIAO  
KI ŌTAUTAHI**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of an appeal under clause 14(1) of  
Schedule 1 of the Act

**BETWEEN** **NO 1 HANSEN ROAD LIMITED**

Appellant

**AND** **QUEENSTOWN LAKES DISTRICT  
COUNCIL**

Respondent

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**NOTICE OF APPEAL**

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Dated: 7 April 2026

**Todd Walker**

**Solicitor acting**  
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**TO:** The Registrar  
Environment Court  
Christchurch

**AND TO:** The Respondent

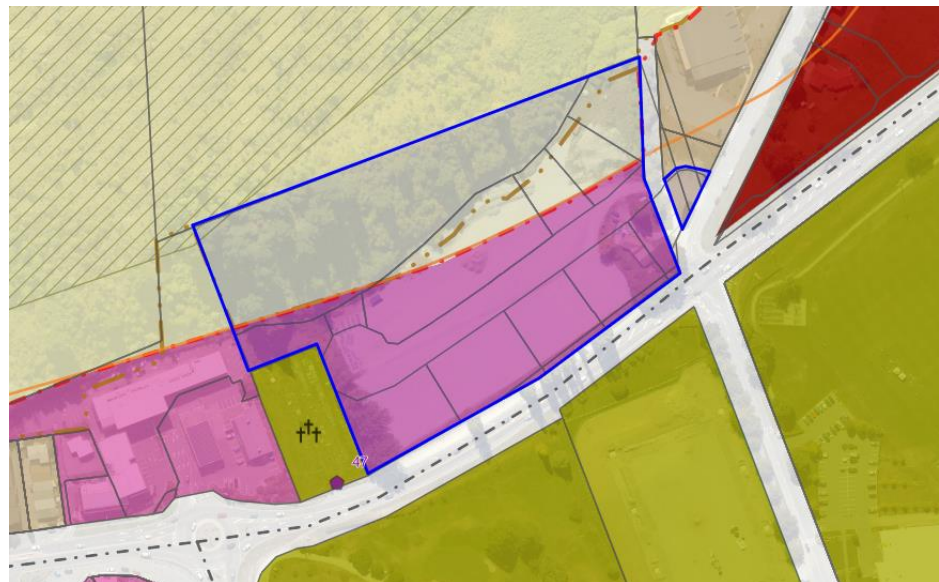
- [1] No 1 Hansen Road Ltd (**Appellant**) appeals part of a decision of the Queenstown Lakes District Council (**Council**) on the urban intensification variation (**Variation**) to the Queenstown Lakes Proposed District Plan.
- [2] The Appellant made a submission on the Variation.
- [3] The Appellant is not a trade competitor for the purposes of s 308D of the Resource Management Act 1991 (**Act**).
- [4] The Appellant received notice of the decision on 20 February 2026.
- [5] The parts of the decision the Appellant is appealing are the rejection of the Appellant's submission:
- (a) to rezone the Appellant's Land to Business Mixed Use (**BMUZ**);
  - (b) to identify a consequential adjustment of the Urban Growth Boundary (**UGB**) and Outstanding Natural Landscape (**ONL**) overlays;
  - (c) to increase the building height for the Appellant's Land to 24 metres;
  - (d) to remove site-specific development controls for the Appellant's Land; and
  - (e) to enable Activities Sensitive to Aircraft Noise (**ASANs**) on the Appellant's Land within the Outer Control Boundary (**OCB**).

## Reasons for Appeal

[6] The reasons for the appeal are as follows:

### Submitter background and scope for appeal

[7] The Appellant owns land situated at 3-10 Prosperity Avenue, Frankton, Queenstown being Lots 1-10 and 13-15 DP 594425 (**Appellant's Land / Land**). The land is currently identified in the PDP as split zoned Local Shopping Centre Zone (**LSCZ**), Suburban Residential Zone (**SRZ**), and Rural Zone, and is also subject to a number of planning overlays. The northern portion of the land is also located outside the urban growth boundary (**UGB**) and within a Outstanding Natural Landscape (**ONL**).



*Figure 1. The Appellant's land at Prosperity Avenue in Frankton, outlined in a solid blue line, with LSCZ in pink, Rural zoning in light yellow, and SRZ in light brown. The OCB is represented by a solid orange line, the ONL by a dashed brown line, and the UGB by a dashed red line.*

[8] The decision erred in concluding that the rezoning of the Rural zoned land to BMUZ and adjustments to the ONL and UGB overlays were out of scope of the Variation. Rezoning of the Appellant's Land could be reasonably anticipated as part of the Variation. The Variation sought to implement Policy 5 of the National Policy Statement for Urban Development (**NPS-UD**) by enabling increased heights and density commensurate with accessibility or relative demand. The Appellant's Land is highly accessible and close to the developed Frankton commercial area. It is also a split zoned site, part of which is within the UIV, and in this way is a resource issue that is within the scope of the

UIV as notified. The wider context of the Land will also change as it is situated adjacent to land being upzoned.

- [9] The NPS-UD does not restrict the Council to consider only the existing urban environment as defined in the PDP for the purposes of applying Policy 5 of the NPS-UD. Rather, the focus is on creating well-functioning urban environments. The output of such planning decisions in this variation process could involve the rezoning of accessible Rural zoned land. Although the s 32 assessment did not include an extension of existing urban zones, this is not determinative of scope. The Variation will alter the status quo for this Land given its split zoning, with only part of the Land able to capitalise on changes made to the LSCZ as part of the Variation. The Appellant, however, considers that BMUZ is a more efficient and appropriate use of the Site and gives greater effect to the intent of the NPS-UD.
- [10] Further, the Variation provided an efficient opportunity for landowners to seek outcomes in line with the NPS-UD. As such, it could be reasonably anticipated that owners of land that is located at the junction of a critical urban and transport node would seek outcomes that are consistent with the objectives of the NPS-UD. This is particularly true where urban edges are not landscape-based or defensible. Landscape evidence for the Appellant outlined that the current PDP location of the ONL has been mapped at a high-level and reflects a lack of ground-truthing in that it does not follow geomorphological values.
- [11] It follows that rezoning the LSCZ, SRZ, and Rural zoned land and adjustments to the ONL and UBG overlays would be within scope of the Variation.

#### Upzoning the Appellant's Land and adjusting overlays

- [12] The decision otherwise erred in failing to rezone the Appellant's Land to BMUZ and retaining the LSCZ, SRZ, and Rural zoning. The Panel agreed that that split zoning does not lead to an efficient use of the land,<sup>1</sup> yet failed to rezone the Appellant's Land.

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<sup>1</sup> Independent Hearings Panel Recommendations Report, at [4.74].

[13] As outlined previously, the Variation was intended to implement Policy 5 of the NPS-UD. The Appellant's Land performs well in terms of accessibility and / or relative demand. It is highly accessible land, situated adjacent to the developed Frankton commercial area. The Council's s 32 report identified upzoning the Appellant's Land as the most efficient use of the land resource, of three options considered. This was on the basis that the land could be easily developed due to lack of geotechnical, roading, and three waters infrastructure constraints. Expert planning evidence from the Appellant and expert urban design and economics evidence from the Council supported more intensive use of the Appellant's Land.

[14] The existing zoning and overlay boundaries do not reflect effective or efficient planning outcomes. Rezoning the Appellant's Land to BMUZ would be a reasonable and logical extension of the existing BMUZ, resulting in a consistent and coherent patterning of the BMUZ in Frankton.

#### Site specific development controls

[15] In rejecting the Appellant's submission to remove Rule 15.4.3.2 (which requires a spatial layout plan for the Appellant's Land), 15.5.1.2, and 15.5.5 the decision gave undue weight to planning evidence for the Council over the Appellant's planning evidence. The Panel failed to consider the Appellant's planning evidence and the conclusion that removal of these rules would provide for a more efficient and effective outcome consistent with Policy 5 of the NPS-UD.

#### ASANs within the OCB and increased height

[16] The decision placed undue weight on the Queenstown Airport Corporation's (**QAC**) concerns of enabling ASANs and increased building height within the Appellant's Land and its impact on the airport's operations. Planning evidence for the Appellant concluded that a balance could be struck between an efficient and effective use of the Appellant's Land in implementing the NPS-UD and airport operations, with effects appropriately managed by consenting pathways. No clear evidence was presented by the QAC to establish the risk of the

Appellant's requested relief in its submission on actual or potential reverse sensitivity concerns.

[17] Landscape evidence for the Appellant also found that, due to the context of the Land, the landscape had capacity to absorb additional height.

[18] In this respect, the decision does not represent the most appropriate way implement the NPS-UD and objectives of the Variation under s 32 of the Act.

#### General reasons for Appeal

[19] The decision does not represent the most appropriate way of achieving the objectives of the Variation under s 32 of the Act, and will not be an efficient or effective zoning of the Site.

[20] The decision does not otherwise give effect to the relevant provisions of the NPS-UD.

[21] The decision does not otherwise accord with the relevant provisions of Part 2 of the Act.

#### **Relief sought**

[22] The Appellant seeks amendments to the planning provisions applying to its Land to enable comprehensive mixed-use development to be undertaken. As such, the Appellant seeks the following relief:

- (a) to rezone the Appellant's Land to BMUZ;
- (b) remove the ONL overlay from the Land currently zoned Rural, to reflect a BMUZ rezoning;
- (c) consider any necessary site-specific provisions for the Land as a consequence of the above rezoning / adjustment of ONL overlay;
- (d) to enable ASANs on the Appellant's Land;
- (e) to enable increased height on the Appellant's Land; and / or
- (f) any other or consequential relief that would give effect to the relief sought by the Appellant in its submission and this notice of appeal.

## Attachments

[23] The following documents are **attached** to this notice:

- (a) A copy of the Appellant's submission and further submissions (**Attachment A**);
- (b) A copy of the Panel's Recommendations Report and relevant amended provisions (**Attachment B**); and
- (c) A list of parties to be served with a copy of this notice of appeal (**Attachment C**).

Dated: 7 April 2026



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**Signed** for No 1 Hansen Road Ltd  
by its solicitor and duly authorised agent  
R E M Hill / L C King

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## **Advice to recipients of copy of notice of appeal**

### How to become a party to proceedings

If you wish to become a party to the appeal, you must,—

- a) within 15 working days after the period for lodging a notice of appeal ends, 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, serve copies of your notice on all other parties.

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).

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.

### Advice

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