

**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 **FORTUNE FOUNTAIN GROUP LIMITED**
Appellant
AND **QUEENSTOWN LAKES DISTRICT
COUNCIL**
Respondent

NOTICE OF APPEAL

Dated: 7 April 2026

TO: The Registrar
 Environment Court
 Christchurch

AND TO: The Respondent

- 1. Fortune Fountain Group Limited (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 (**PDP**).

Appellants interest in these proceedings

- 2.** The Appellant made a submission and further submission on the Variation.
- 3.** The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
- 4.** The Appellant received notice of the decision on or about 20 February 2026.
- 5.** The parts of the decision the Appellant is appealing is Rule 9.5.5 for recession planes in the High Density Residential Zone.

Reasons for the appeal

- 6.** The Appellant owns land at 217 and 221 Frankton Road. The land area comprises approximately 4,000m² of steeply sloping land.
- 7.** The Appellant has lodged a resource consent application with the Council to develop the land into 26 residential and residential visitor accommodation townhouses, with associated subdivision. The six blocks of buildings are of varying heights, being three- and four-storey townhouse complexes.
- 8.** The Appellant's land was zoned High Density Residential prior to notification of the Variation. The zoning has not changed as a result of the Variation.
- 9.** The Independent Hearing Panel recommendation report recommends that Rule 9.5.3 'Recession plane' be updated to remove reference to flat sites, and delete the notation that 'No recession plane for sloping sites'. The effect of this recommendation is for recession planes to apply to all sites.

- 10.** The Council update of the PDP e-Plan has not included the deletion of reference to flat sites. The wording of Rule 9.5.5 (Rule 9.5.3 in the IHP recommendation report) in the Decisions Version of the e-Plan retains recession planes as applying to flat sites only.
- 11.** The Appellant seeks amendment to the PDP to retain the Decisions Version, as set out in the e-Plan.
- 12.** The purpose of the Variation was to implement Policy 5 of the National Policy Statement for Urban Development (**NPS-UD**), through enabling increased heights and density commensurate with accessibility or relative demand. Policy 6 of the NPS-UD provides for the benefits of urban development that are consistent with well-functioning urban environments.
- 13.** The decision does not represent the most appropriate way of achieving the outcomes of the Variation under s32 or Part 2 of the Act. The application of recession planes on sloping sites, such as the Appellant's land, may create a restrictive bulk and location standard for built form. This outcome would be neither effective nor efficient in enabling intensification in a highly accessible area.

Relief sought

- 14.** The Appellants seek retention of Rule 9.5.5 of the Decision in the e-Plan to provide increased certainty and efficiency.
- 15.** The relief sought includes any consequential amendments required to give effect to this relief.
- 16.** The Appellants agree to participate in mediation or other alternative dispute resolution of the proceedings.

Attachments

- 17.** The following documents are attached to this notice:

 - 1.** A copy of the Appellant's submission and further submissions (**Attachment A**);
 - 2.** A copy of the Council's decision (**Attachment B**); and
 - 3.** A list of parties to be served with a copy of this notice of appeal (**Attachment C**).

Dated: 07 April 2026



Signature of person authorised to sign on behalf of Appellants:

Address for service of Appellants:

Fortune Fountain Group Limited
c/- John Edmonds & Associates Limited
PO Box 95
Queenstown 9348

Telephone: 03 450 0009 / 021 409 075

Email: john@jea.co.nz / charlotte@jea.co.nz
Contact person: John Edmonds / Charlotte Clouston

Advice to recipients of copy of notice of appeal:

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, -

- 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
- within 20 working days after the period for lodging a notice of appeal ends, 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 or service requirements (see form 38).

How to obtain copies of documents relating to appeal

If the copy of this notice served on you does not attach a copy of the Appellant's submission (or or) the Decision (or part of the Decision) appealed. 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.