

**In the Environment Court
at Christchurch
I Te Kōti Taiao
Ōtautahi Rohe**

ENV-2026-CHC-XXX

**In the Matter
And**

of the Resource Management Act 1991

In the Matter

of an appeal under Clause 14 of
Schedule 1 of the Resource
Management Act 1991 (**Act**)

Between

**PRO-INVEST NZ PROPERTY 1
LIMITED PARTNERSHIP**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal
by Pro-Invest NZ Property 1 Limited
Partnership**

Dated: 7 April 2026

Lane Neave
Level 1, 2 Memorial Street
PO Box 701
Queenstown 9300
Solicitor Acting: Joshua Leckie / Hayley Mahon
Email: joshua.leckie@laneneave.co.nz;
hayley.mahon@laneneave.co.nz
Phone: 03 409 0321

lane neave.

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Pro-Invest NZ Property 1 Limited Partnership (**Appellant**) appeals part of the decision (**Decision**) of the Queenstown Lakes District Council (**Respondent**) on the Urban Intensification Variation (**Intensification Variation**) to the Queenstown Lakes Proposed District Plan.
2. The Appellant made a submission on the Intensification Variation (submission 986).
3. The Appellant is not a Trade Competitor for the purposes of section 308D of the Act.
4. The Appellant received notice of the Decision on 20 February 2026.
5. The Decision was made by the Respondent through adopting the recommendations of the Independent Hearings Panel (**Panel**) appointed by the Respondent.
6. The Appellant is appealing the part of the Respondent's Decision that relates to height controls and notification rules in the High Density Residential A Zone (**HDRAZ**).

Background

7. The Appellant owns land at 11, 13, 17, 21 and 25 Stanley Street, Queenstown, legally described as Lot 1 DP 525804 (**Site**). The Site is located in the HDRAZ. A hotel development, the Holiday Inn Express & Suites (**Holiday Inn**), is located on the Site.
8. The existing environment around the Site is dominated by visitor accommodation activities including the large-scale Holiday Inn Express on the Site, the Millennium Hotel on the corner of Melbourne Street and Frankton Road adjacent to the Site and the Ramada Hotel on the corner of Frankton Road and Stanley Street.
9. The Site is well-connected to public transport, is bordered by two key arterial roads in and out of the town centre, and is within walking distance to the town centre.
10. The HDRAZ was created by the Panel as a new zone for two geographically-specific areas – the Central Queenstown residential neighbourhood and Wānaka Three Parks. The HDRAZ was created to enable bespoke rules and restrictions that were

not suitable in the High Density Residential Zone, but were warranted in Central Queenstown (including over the Site) and the Wānaka Three Parks area.

11. The Appellant supports the overall intent of the Intensification Variation, but seeks changes to the height limits in the HDRAZ on a precinct-specific basis for the four blocks bordered by Frankton Road, Coronation Drive, Beetham Street and Melbourne Street (**Stanley Street and Melbourne Street Height Precinct**)¹ with a permitted height increasing from 16.5m to 18.5m, with a restricted discretionary status for buildings with a height between 18.5m and 24m and retaining the discretionary activity status for buildings over 24m high. These changes to height limits for the proposed Stanley Street and Melbourne Street Height Precinct would assist in providing a sufficient envelope for any future levels to existing buildings on the Site, without the need to undergo an inefficient and unnecessary planning process.
12. Alternatively, the Appellant seeks the inclusion of a non-notification rule applying to resource consent applications for buildings between 16.5m and 24m in the proposed Stanley Street and Melbourne Street Height Precinct.

Particular Reasons for Appeal

Height Limit

13. The objectives of the HDRAZ in the Intensification Variation would be better implemented by a precinct-specific permitted building height of 18.5m, compared to the existing permitted height of 16.5m. The objectives and policies of the HDRAZ specifically anticipate visitor accommodation located near the town centre and provide for substantial changes to built form and intensification, with policy support for maximising the efficient use of land within the HDRAZ. An 18.5m permitted building height for the proposed Stanley Street and Melbourne Street Height Precinct would enable buildings of approximately five to six storeys, which is consistent with apartment style living and visitor accommodation that the HDRAZ is specifically designed to accommodate and in a location that is well-connected to arterial roads, public transport and is within walking distance of the town centre.
14. The Objective of the UIV is to give effect to Policy 5 of the NPS-UD,² and the HDRAZ was created to give effect to Policy 5 of the NPS-UD. Policy 5 of the NPS-UD requires district plans to enable heights and densities of urban form that is commensurate with the greater of:³

¹ An image of the proposed Stanley Street and Melbourne Street Height Precinct is at **Appendix 3** to this Notice of Appeal.

² *Section 32 Evaluation Report*, 16 May 2026 at page 67.

³ National Policy Statement for Urban Development, Policy 5.

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (b) relative to demand for housing and business use in that location.
15. Given the very high levels of accessibility of the proposed Stanley Street and Melbourne Street Height Precinct and the acknowledged capacity for intensification in the HDRAZ, a permitted building height of 18.5m would be commensurate with the level of development that the NPS-UD directs. It would remove an unnecessary barrier to achieving the heights and densities that Policy 5 of the NPS-UD directs. Increasing the height limits for the proposed Stanley Street and Melbourne Street Height Precinct by 2 metres is a more appropriate way to achieve the Objective of the plan change required by section 32 while still managing amenity impacts.

Non-Notification Rule

16. The less preferred but alternative relief sought by the Appellant is a non-notification rule applying to resource consent applications for breach of Rule 9A.5.1 for buildings between 16.5m and 24m in the proposed Stanley Street and Melbourne Street Height Precinct. This would more efficiently and effectively achieve the Objectives of the Decision.
17. The Panel has already determined that a building height up to 24m would be a restricted discretionary activity in the HDRAZ which demonstrates that buildings of this height are anticipated in appropriate circumstances (as assessed by the matters of discretion for Rule 9A.5.1). In relation to this, the Panel considered that any adverse effects arising from “buildings at or around the height limit [being 24m] will be acceptable and well-mitigated by the design and other matters that will apply.”⁴
18. Notification of a resource consent application for height breaches between 16.5m and 24m would not provide any additional information necessary for Council to undertake their assessment above the use of the matters of discretion in Rule 9A.5.1 as those matters of discretion already include consideration of building dominance relative to neighbouring properties and privacy and outlook for neighbouring sites. A non-notification rule for building heights within 16.5m and 24m is therefore the most appropriate way to achieve the Objective of the UIV, being to give effect to the enabling Policy 5 of the NPS-UD. A restricted discretionary activity status with non-notification requirements will not remove the restricted discretionary analysis designed to consider all relevant matters of discretion and which directive policies

⁴ *Recommendation of the Independent Hearing Panel*, 23 December 2025 at para [15.23].

should prevail and to what extent.⁵ This will still allow for amenity to be considered to the appropriate level, in line with Policy 6 of the NPS-UD.

19. The application of the non-notification rule to these restricted discretionary activities will assist in enabling heights in this Precinct, provide more certainty for developers to enable height through the restricted discretionary consenting pathway and will better achieve the outcomes directed by Policies 2 and 5 of the NPS-UD.

General Reasons for Appeal

20. The Decision:
- (a) imposes undue constraints on the height limits in the High Density Residential A Zone which is an area already considered appropriate for intensification;
 - (b) does not give effect to the higher order strategic directions and objectives of the National Policy Statement for Urban Development (**NPS-UD**);
 - (c) does not represent an efficient use of land under section 7(b) of the Act; and;
 - (d) overall, fails to promote sustainable management of natural and physical resources and therefore does not achieve the purpose of the Act.

Relief Sought

21. The Appellant seeks the following relief:
- (a) amend Rule 9A.5.1 on a precinct-specific basis to enable a permitted building height in the proposed Stanley Street and Melbourne Street Height Precinct of up to 18.5m, with height between 18.5m and 24m a restricted discretionary activity.
22. As alternative relief, the Appellant seeks:
- (a) amendment of Rule 9A.6 to provide for a non-notification rule for resource consents required for building heights between 16.5m and 24m in the proposed Stanley Street and Melbourne Street Height Precinct;
23. The Appellant also seeks;

⁵ *Port of Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112.

- (a) any other additional or consequential relief to the PDP text (including to the objectives, policies and definitions) or maps that will give effect to the matters raised in this appeal;
- (b) such alternative or further relief as may be considered appropriate by the Court; and
- (c) costs of, and incidental to, this appeal.

Alternative Dispute Resolution

24. The Appellant agrees to participate in mediation or other dispute resolution of these proceedings.

Attached Documents

25. The following documents are **attached** to this notice:
- (a) a copy of the Appellant's submission as **Appendix 1**;
 - (b) a copy of the relevant decision (*or part of the decision*) as **Appendix 2**;
 - (c) a copy of the proposed Stanley Street and Melbourne Street Height Precinct at **Appendix 3**; and
 - (d) a list of names and addresses of persons to be served with a copy of this notice as **Appendix 4**.

Dated this 7th day of April 2026



Joshua Leckie / Hayley Mahon
Counsel for the Appellant

Address for Service for the Appellant:

C/- Lane Neave
2 Memorial Street, Queenstown
Telephone 03 409 0321
Email: joshua.leckie@laneneave.co.nz / hayley.mahon@laneneave.co.nz

Contact person: Joshua Leckie and Hayley Mahon

Advice to Recipients of Copy of Notice of Appeal

How to become a party to proceedings

26. You may be a party to the appeal if:
27. 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
28. Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
29. 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.
30. 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

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

Advice

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