

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV - 2026-CHC

Under	the Resource Management Act 1991 (RMA)
In the matter of	Of an appeal under clause 14(1) of Schedule 1 of the RMA in relation to the Urban Intensification Variation to the proposed Queenstown Lakes District Plan
Between	Canterbury Helicopters Limited Appellant
And	Queenstown Lakes District Council Respondent

Notice of appeal on behalf of Canterbury Helicopters Limited

Date: 2 April 2026

Appellant's solicitors:
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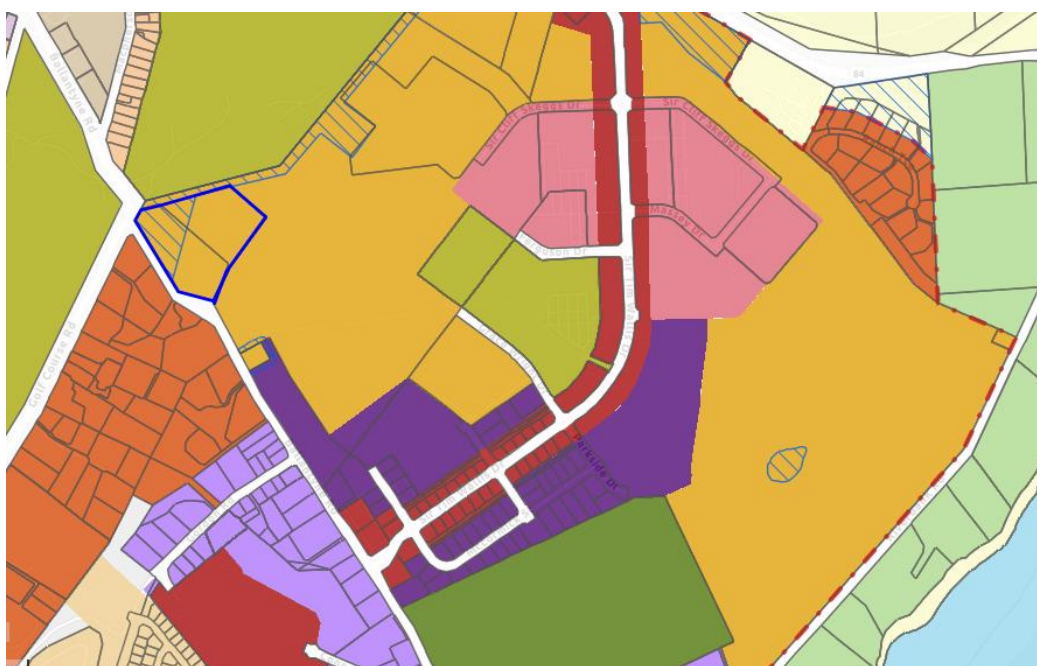
**anderson
lloyd.**

To: The Registrar

Environment Court

Christchurch

- 1 Canterbury Helicopters Limited (**Appellant**) appeals against part of the decision of Queenstown Lakes District Council (**Respondent**) in relation to the variation to the Queenstown Lakes Proposed District Plan (**PDP**) (**UIV** or **Variation**) (**Decision**).
- 2 The Appellant made Submission #1040 on the Variation.
- 3 The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
- 4 The Appellant received notice of the Decision on 20 February 2026.
- 5 The Decision was made by the Respondent.
- 6 The Appellant is appealing the Decision as it relates to 36,403m² of land situated at 27 Ballantyne Road, 9305, legally described as Lot 4 DP 22854 and Lot 1 DP 304423 (**the Land**), as well as the neighbouring land, as delineated on the plan below:



- 7 Without derogating from the generality of the above, the parts of the Decision the appeal relates to are in respect of the Medium Density Residential Zone (**MDRZ**), High Density Residential A Zone (**HDRAZ**) and

specific zoning opportunities relating to the Land and adjacent properties, including the:

- (a) rezoning of the Land from MDRZ to HDRAZ;
- (b) rezoning of the properties generally southeast of the Land from Lower Density Suburban Residential Zone (**LDSRZ**) to HDRAZ and generally east of the Land from HDRZ to HDRAZ;
- (c) retention of the building restriction area (**BRA**) on the Land;
- (d) retention of the non-complying activity status for building within the BRA on the Land (Rule 9A.5.12);
- (e) specific to the HDRAZ, the inclusion of:
 - (i) new Rule 9A.5.1, this providing for a permitted height limit of 16.5 metres, with a height between 16.5m and 24m being a restricted discretionary activity, and buildings above 24 metres as a discretionary activity;
 - (ii) new Rule 9A.5.6.1, this provides for a minimum boundary setback of 1.5 metres (except for State Highway road boundaries where the minimum setback shall be 4.5 metres); and
- (f) intensification provisions applying to the Land, including the directly adjacent properties to the Land, generally.

8 The reasons for the appeal and general relief sought by the Appellant are summarised below.

Background

9 The Appellant has an interest in the Land.

10 The Appellant lodged a submission on the Variation, that generally supported the Variation as notified, but sought, amongst other matters, that:

- (a) the Land be rezoned from MDRZ to the High Density Residential Zone (**HDRZ**);
- (b) the BRA on the Land be removed;
- (c) an amendment be made to Rule 8.5.4 to increase the permitted building coverage in the MDRZ from 45% to 55%;

- (d) supported the notified increase in the PDP's height limit of 7 metres in the MDRZ to 11 metres (with an additional allowance for pitched roofs); and
- (e) that the notified changes proposed to the PDP to provide for the intensification outcomes should generally be approved and apply to the Land.

Decision

11 Relevant to the Appeal, the Decision on the Variation:

- (a) retained the BRA on the Land;
- (b) retained the non-complying activity status for buildings within the BRA on the Land (Rule 9A.5.12); and
- (c) rezoned the Land from MDRZ to HDRAZ;
- (d) rezoned the adjacent properties generally southeast of the Land from LDSRZ to HDRAZ;
- (e) rezoned the adjacent properties generally to the east of the Land from HDRZ to HDRAZ;
- (f) within the HDRAZ, provides for, amongst other matters:
 - (i) a permitted height limit of 16.5 metres, with a height between 16.5m and 24m a restricted discretionary activity, and buildings above 24 metres being a discretionary activity (Rule 9A.5.1); and
 - (ii) a minimum boundary setback of 1.5 metres (Rule 9A.5.6.1).

Reasons for appeal

12 The general reasons for the appeal are set out below.

13 The District has seen unprecedented growth in past two decades, and there has been a commensurate increase in housing demand. It is therefore considered that the Land is situated within a prime location to be developed to a density greater than what was provided for under both the MDRZ, and as is provided for under the Variation's HDRAZ when accounting for the BRA's ongoing encumbrance of the Land.

14 The Land is well placed to provide for the intensification enabled by the relief sought.

Removal of the BRA

- 15 The Decision erred in its finding that the BRA should be retained over the Land.
- 16 The background to the BRA is unclear. It appears to have been carried over from the Respondent's Operative District Plan, which referred to a "reserve over terminal moraine" and "stormwater treatment," and is likely based on a broad geological assessment. There is no easement for any third party to utilise or develop the land underlying the BRA for any such purpose.
- 17 The site subject to the BRA is not identified in the Appellant's GIS flooding or hazard mapping layers.
- 18 Removal of the BRA would enable the Land and surrounds to be developed to a greater intensity than otherwise would be provided for, in line with the national direction sought and in accordance with the UIV put forward by the Respondent.
- 19 Importantly, the Land is well placed to accommodate additional intensification that would be enabled by removal of the BRA for several reasons including:
 - (a) the Land is in very close proximity to Three Parks Business & Commercial Zoning, Business Mixed Use Zoning as well as various community services such as the Wānaka Rec Centre. Whilst there are no public transport links currently available in Wānaka, the Land has good pedestrian connections to the Wānaka Town Centre being less than 500 metres west of the Land via a pedestrian walkway and an existing cycle lane being situated directly outside of the Land; and
 - (b) removing the BRA on the Land is logical given it is within the HDRAZ, an area of which intensification is a primary focus.

Retention of the proposed activity status for buildings within the BRA

- 20 In addition, the Decision erred in its finding that the activity status for building within the BRA should be retained as non-complying.
- 21 In the event the BRA is retained, a site-specific rule should apply, providing for buildings within the BRA to be a restricted discretionary activity, with Council's discretion limited to stormwater management, there is several reasons for this, including:
 - (a) Applicants face a high threshold under section 104D of the RMA to obtain resource consent;

- (b) under section 104D of the RMA, consideration extends to all matters but the only identified historical reason for the BRA being on the Land relates to stormwater management; and
 - (c) Rule 9A.5.12 is unnecessarily restrictive upon built form outcomes in a suitable location for intensification, the Land being appropriately zoned HDRAZ.
- 22 Notwithstanding the above, the Appellant maintains that the BRA should be removed for the reasons set out in this appeal.

The HDRAZ

- 23 For the avoidance of doubt, the Appellant generally supports the Decision in the Variation to amend the Land's zoning from MDRZ to HDRAZ.
- 24 However, while generally supportive of this rezoning and the additional intensification it provides for the Land, the Appellant seeks amendments to two of the HDRAZ's standards to ensure clarity, manage the effects of intensification, give effect to the matters raised generally in this appeal and to give effect to the outcomes sought in Submission #1040:
- (a) Rule 9A.5.1 relating to the HDRAZ's height limit - the Appellant supported the increased height limit of 11m to the previously applying MDRZ if the Land remained zoned MDRZ. The Appellant also sought that the Land be rezoned HDRZ which in the Variation as notified had a 12m height limit for Wānaka. However, the Appellant considers that the HDRAZ permitted height limit of **16.5m** is not appropriate. The Appellant seeks that the proposed height limits, and associated activity statuses in Rule 9A.5.1 should be amended; and
 - (b) Rule 9A.5.6.1 which provides for a minimum setback of 1.5 metres (with increased setbacks along State Highways) - a 1.5m setback is not considered appropriate in the context of a zone that enables multi storey buildings of the height anticipated.
- 25 The Appellant seeks to remedy the above.

Relief sought

- 26 The Appellant seeks the following relief:
- (a) that the Decision be amended to be consistent with the changes sought in the Appellant's Submission #1040 and to address the reasons for the appeal listed above;

- (b) that the BRA be removed entirely from the Land;
- (c) if the BRA is retained, that the activity status for Rule 9A.5.13 be amended to provide that buildings within the BRA on the Land be a restricted discretionary activity, with discretion limited to stormwater management;
- (d) that the height limits and associated activity statuses for the HDRAZ identified in Rule 9A.5.1 be reduced for the Land and directly adjacent properties;
- (e) that the minimum setbacks within the HDRAZ identified in Rule 9A.5.6.1 be increased for the Land and the directly adjacent properties; and
- (f) any other alternative, consequential, or necessary additional relief to maps or PDP provisions to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought in Submission #1040.

Attachments

27 The following documents are **attached** to this notice:

- (a) **Appendix A** - a copy of the submission lodged by the Appellant;
- (b) **Appendix B** - a copy of the Decision;
- (c) **Appendix C** - a list of names and addresses of persons to be served with a copy of this notice.

Dated this 2nd day of April 2026

Maree Baker-Galloway

Maree Baker-Galloway / Conor Meredith
Counsel for the Appellant

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Contact person: Maree Baker-Galloway, Partner | Conor Meredith, Associate

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 Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Advice

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

Appendix A - a copy of the Submission lodged by the Appellant

Appendix B - a copy of the relevant part of the Decision

Appendix C – a list of names and address of persons to be served with a copy of this notice

Name	Organisation or on behalf of	Address for service
Queenstown Lakes District Council		dpappeals@qldc.govt.nz
Mark Hosie		bella15@outlook.co.nz
Nicole Malpass	Roger Moseby, Marilyn Frances Gordon, and Susan Robertson	nicole@ipsolutions.nz
Alison Devlin	Willowridge Developments, Orchard Road Holdings Limited, Three Parks Properties Limited	alison@willowridge.co.nz