

**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

Between

NIVES INVEST LIMITED

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

Notice of Appeal by Nives Invest Limited

Dated: 7 April 2026

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Nives Invest Limited (**Appellant**) appeals part of a decision (**Decision**) of the Queenstown Lakes District Council (**Respondent**) on the Urban Intensification Variation (**UIV**) to the Queenstown Lakes Proposed District Plan (**PDP**) under the Resource Management Act 1991 (**RMA**).
2. The Appellant has an unconditional contract to purchase 634 Frankton Road, Queenstown (**Site**)¹ and therefore is a successor to Richard Thomas, who made a submission on the UIV (submission #832).
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 its adoption of the recommendations of the Independent Hearings Panel (**Panel**) appointed by the Respondent.
6. The Appellant is appealing a specific aspect of the Decision that rejects the Appellant's submissions as they relate to density requirements in the Medium Density Residential (**MDRZ**).

Background

7. Currently, the Site is undeveloped.
8. The Site is zoned MDRZ under the PDP.
9. Under the notified version of the UIV, changes were proposed by the Respondent which would promote intensification of the Site through:²
 - (a) promoting changes in amenity, diversity, and character within the MDRZ through objectives and policies;

¹ The Site is legally described as Part Lot 1 DP 9121.

² *Section 32 Evaluation Report*, 16 May 2023 at pages 57 to 59.

- (b) an increase in height from a maximum of 8m to a maximum height of 11+1m within the MDRZ;
 - (c) removing existing density limits of one residential unit per 250m² net site area; and
 - (d) introducing requirements for outdoor living space and outdoor outlook space within the MDRZ.
10. The Appellant lodged a submission (submission #832) supporting these changes, in addition to opposing submission points seeking that recession planes do not apply to sloping sites.
11. The Site retains its MDRZ zoning in the Decision. The Decision rejected the notified removal of the density requirement within the MDRZ, instead creating a new Medium Density Residential A Zone (**MDRAZ**) and implementing it over the central Queenstown residential neighbourhood adjacent to the town centre.³ The MDRAZ does not extend along Frankton Road, including to the Site. The MDRAZ provides for the majority of changes and intensification originally sought by the Respondent within the notified version of the MDRZ.

Particular Reasons for Appeal

Impact of Maximum Density Rule and Loading Bay Rule

12. As notified, the UIV proposed by the Respondent included a significantly more enabling regime for the MDRZ which applied to the Site. The more enabling provisions originally proposed for the MDRZ have now largely been imported by the Decision into the MDRAZ such as the removal of the one residential unit per 250m² net site area maximum density standard.
13. The Site is one of the only remaining vacant residentially-zoned sites with direct access to Frankton Road of a size which has significant capacity for new residential development. The Site is also within the visitor accommodation sub-zone which adds further anticipation of more intensive type of development for the Site. A maximum density limit of one residential unit per 250m² net site area puts an unnecessary constraint on the ability of the Site to accommodate this additional development.
14. Accordingly, the Appellant seeks that the Site is rezoned to the MDRAZ as the provisions of that zone in the Decision remove the maximum density limit of one

³ *Recommendation of the Independent Hearing Panel*, Urban Intensification Variation to the proposed Queenstown Lakes District Plan, 23 December 2025 at 6.11

residential unit per 250m² net site area and the MDRAZ does not require dwellings to provide a small loading bay.⁴ In addition, the Appellant seeks a site-specific reduction in the maximum height limit to 8m.

15. A site-specific reduction in height to 8m recognises that the Site is more likely to be developed into 2 storey duplex or townhouse-style developments. However, the Appellant maintains that MDRAZ zone is appropriate because of the blank-canvas capacity that the Site offers with such close proximity to Frankton Road and related public transport.
16. The rezoning of the site to MDRAZ would enable a higher level of density and remove the space-occupying loading bays from development. As such, the Site would be able to better achieve the Objective of the UIV in a section 32 sense, which is to give effect to Policy 5 of the NPS-UD.⁵
17. Alternatively, the Appellant seeks that the Site continues to maintain the Decision's MDRZ zoning, but requests site-specific deletion of the MDRZ density control of one residential unit per 250m² and the requirement for a loading space for each residential dwelling where the density standard is not met.
18. Deletion of the MDRZ density control and the requirement for the loading space in a site-specific manner would remove an unnecessary barrier to enabling density on the Site which is accessible to existing public and active transport and has site specific attributes appropriate for further intensification. The Objective of the UIV is to give effect to Policy 5 of the NPS-UD,⁶ which will not be achieved by the Decision's re-inclusion of the MDRZ density control standard or the introduction of the loading space requirement. It is therefore not the most appropriate way to achieve the objective of the plan change as required by section 32.

General Reasons for Appeal

19. The Decision:
 - (a) imposes undue limits on the Site constraining the level of development capacity available;
 - (b) is not the most appropriate way to achieve the Objective of the UIV which is to give effect to Policy 5 of the NPS-UD;
 - (c) does not represent an efficient use of land under section 7(b) of the Act; and

⁴ *Recommendation of the Independent Hearing Panel*, Urban Intensification Variation to the proposed Queenstown Lakes District Plan, 23 December 2025 at 14.29.

⁵ *Section 32 Evaluation Report*, 16 May 2023 at page 67.

⁶ *Section 32 Evaluation Report*, 16 May 2023 at page 67.

- (d) overall, fails to promote sustainable management of natural and physical resources and therefore does not achieve the purpose of the Act.

Relief Sought

- 20. The Appellant seeks the following relief:
 - (a) the Site is rezoned to MDRAZ with a site-specific reduction in the maximum height limit in Rule 8A.5.1.1 to 8m.
- 21. As an alternative relief, the Appellant seeks:
 - (a) that the Site continues to maintain the Decision's MDRZ zoning, but requests site-specific deletion of:
 - (i) the MDRZ density control of one residential unit per 250m² in Rule 8.4.6; and
 - (ii) the requirement in Rule 8.4.10 for a loading space for each residential dwelling where the density standard is not met.
- 22. The Appellant also seeks:
 - (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

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

Attached Documents

- 24. 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 list of names and addresses of persons to be served with a copy of this notice as **Appendix 3**.

Dated this 7th day of April 2026



Joshua Leckie / Hayley Mahon
Counsel for the Appellant

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Advice to Recipients of Copy of Notice of Appeal

How to become a party to proceedings

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

30. 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

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