

**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 – Queenstown
Lakes Proposed District Plan Urban
Intensification Variation (**UIV**)

BETWEEN

**WELSMART INVESTMENTS
INVESTMENT HOLDING (THOM) PTY
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

AND TO: Every person who made a submission on the UIV

This document notifies you that –

- [1] Well Smart Investment Holding (THOM) Pty Limited (**Well Smart / Appellant**) appeals against parts of a decision of the Queenstown Lakes District Council (**Council**) on the urban intensification variation (**Variation/UIV**) 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 Well Smart is appealing are the provisions relating to building and façade height in the Queenstown Town Centre Zone, and site coverage and public space connection provisions in the High Density Residential A Zone, particularly:
 - (a) Rules 12.5.8 and 12.5.9 in respect of building and façade height.
 - (b) Policy 9A.2.1.3 in respect of requiring development to achieve the highest densities practicable at the time of development.
 - (c) Policy 9A.2.6.1 in respect of requiring development to provide or enhance connections to public places, public transport and active transport networks (walkways, trails and cycleways) where appropriate.
 - (d) Rule 9A.5.2 in respect of site coverage.
 - (e) Any objective or policy within the scope of the UIV that directs or influences the appropriateness of the abovementioned rules.

[6] The reasons for the appeal include:

- (a) Well Smart owns multiple sites within and near the Queenstown Town Centre, affected by the Variation¹.
- (b) The permitted development standards, as approved by QLDC under the Variation, do not provide permitted development thresholds that can practically be met.
- (c) Well Smart made a submission on, and participated in, the UIV council hearing process, seeking among other things development standards for its land zoned Queenstown Town Centre. QLDC did not accept the relief.
- (d) The Decision lacks rationale and a lack of evidence for rejecting Well Smarts relief.
- (e) The Well Smart land has similar features and characteristics as other sites that have bespoke development standards or more lenient development controls. Bespoke site development standards are a feature of the PDP framework.
- (f) No party specifically opposed Well Smarts relief.
- (g) It is not practical, reasonable or appropriate to 'require' development to achieve the highest densities practicable at the time of development.
- (h) The non-complying activity status is not necessary or appropriate for residential and visitor accommodation activities within the High Density Residential Zone, irrespective of building bulk and location.
- (i) The Decision does not represent the most appropriate way of achieving the objectives of the Variation under s 32 of the Act, nor accord with the relevant provisions of Part 2 of the Act.

¹ 65-67 Shotover Street & 3-15 Hay Street & 28-30 Man Street; as well as 46-52 Man Street & 2-4 Thompson Street.

Relief sought

- [7] Well Smart seeks the following relief:
- (a) Amendments to the QTCZ provisions to permit buildings on the Well Smart land up to 24m height, rather than 20m. This might include bespoke provisions for the Well Smart land, for example as suggested in Attachment A.
 - (b) Amendments to Rule 12.5.8 so that the road setback standards only apply to boundaries of formed roads, not unformed roads (for Well Smart this relates directly to the lower part of Hay Street, which is unformed legal road).
 - (c) Amendments to Rule 12.5.9 or the Height Precinct Map (Fig 2) so that the maximum height for buildings on Well Smart's land is prescribed as either:
 - (i) At least 24m, or
 - (ii) At least 20m above the height of the ground level measured at the Man Street and Hay Street round boundaries respectively. This could be achieved by a bespoke rule (framed similarly to rules 12.5.9.1viii and ix).
 - (d) Deletion of Policy 9A.2.1.3.
 - (e) Deletion of Policy 9A.2.6.1, or amendment of this Policy so that developments are not 'required' to provide or enhance connections to public places, public transport and active transport networks.
 - (f) Amendment to Rule 9A.5.2 so that non-conformance is Controlled or RDA.

Further and consequential relief sought

- [8] Well Smart seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought in its submission.

Attachments

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

- (a) Example of material supporting the Well Smart relief (**Attachment A**);
- (b) A copy of the Appellant's submission (**Attachment B**);
- (c) A copy of the Appellant's further submission (**Attachment C**);

Dated: 7 April 2026



Signed Ben Farrell as Agent for Well Smart

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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.

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not have attached 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

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