

**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 **DANIEL CRUICKSHANK**

Appellant

AND **QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 7 April 2026

Todd Walker

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TO: The Registrar
Environment Court
Christchurch

AND TO: The Respondent

[1] Daniel Cruickshank (**Appellant**) appeals against part of a decision of the Queenstown Lakes District Council (**QLDC / Council**) on the urban intensification variation (**UIV / Variation**) to the QLDC Proposed District Plan (**PDP**).

[2] The Appellant was a submitter on the Variation.

[3] The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA / Act**).

[4] The Appellant received notice of the decision on 20 February 2026.

[5] The parts of the decision the Appellant is appealing are the Council's decision not to rezone the Appellant's land at 100-102 Fernhill Road as High Density Residential A (**HDRAZ**) from High Density Residential (**HDRZ**).

Executive summary

[6] The Appellant seeks to reinstate the Council's initial proposal for the Site, contained in the UIV as notified, including for the reasons that the decision did not adequately consider site-specific factors and urban design matters.

Reasons for appeal

[7] The reasons for the appeal are as follows:

The Submitter background and scope for appeal

[8] The Appellant is a Director of One Mile Holdings Ltd, which owns land at 100-102 Fernhill Road (being Lot 3 and Lot 4 DP 355069) (**Site**). The Appellant filed a submission on the UIV which sought, relevantly:

“High Density Residential

Support: the proposed height increase and other amendments to this zoning.

...

High Density Residential: Support the proposed changes.”

- [9] This was summarised in the Council’s summary of decisions requested and published as follows:

OS912.3	Chapter 9 - High Density Residential	Support	That the proposed changes to the High Density Residential Zone are supported.
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- [10] While the submission is not specific to the Appeal Site, it is clear that the intent is of broad application to all of the HDRZ and the proposed uplift of height and density. At the time of notification and submissions, this included the Site.
- [11] When initially notified, the UIV applied the District-wide HDRZ ‘uplift’ in height and density to the Site, meaning that submitters were on notice that this Site (among others within Fernhill) was the subject of an uplift under the UIV in the order of a change from 7m (on sloping sites) and 12m (on flat sites) to 16.5m high, amongst rule changes.
- [12] Counsel has found no direct submissions opposing the uplift on the Appeal Site itself. A number of submissions have been filed in general terms on the application of the UIV to the Fernhill suburb (both in support and opposition to the UIV as notified).
- [13] The UIV decision resulted in reducing the initially notified height and density provisions on the Site (and other sites) to the previous PDP position, i.e. a reduction from 16.5m heights as notified back to 7m (on sloping sites) and 12m (on flat sites).
- [14] It follows that the submission by the Appellant on the UIV as notified, in combination with the notified UIV itself, fairly and reasonably raised to submitters and the public, that a foreseeable result of the UIV was an increase in height and density of the Site to the order of 16.5m heights (and associated rule provisions as notified). The Appeal seeks to reinstate the notified UIV as it related to the Site on the basis of this jurisdiction.

Urban design merits of rezoning the Site

[15] The Appellant has sought independent expert urban design advice from Mr Bruce Harland in support of this appeal. This is attached as **Attachment C**. Mr Harland's expert opinion is that the Site is suitable for rezoning to HDRAZ as an efficient and effective way of achieving the objectives and policies of the PDP.

[16] This includes for the following reasons:

Accessibility

- (a) The Variation as notified proposed increased heights and density (among other amendments) for the HDRZ, which included the Site, to enable further development capacity for this zone. The notified changes to the HDRZ were supported by the Appellant in its submission.
- (b) The Site is highly accessible to the Town Centre and other amenities, including by bus, walking, and cycling routes. The Site is located approximately 1.3km from the Queenstown Town Centre and is situated on a high frequency bus route, providing a 4-minute trip into the Town Centre. Mr Harland sets out in his memorandum that the high frequency of bus services in this particular location, the proximity to the Town Centre, bus stops within 1-minute walk of the Site, and the enjoyable walking route are all reasons to support the Site as being highly accessible.
- (c) The Panel erred in considering the Site was not highly accessible, including by failing to take into account the above characteristics.

Unique attributes of the Site

- (d) The Site has a range of unique attributes in its environmental context, including its large size, elevated yet relatively discreet position, and its planning and development history demonstrating its intended use / purpose for development of a resort hotel condominium complex for commercial visitors. The Site is located in a relatively discreet pocket of land (along with the Heritage Hotel

and Platinum Villas) that is well separated from other urban development by gullies and significant vegetation buffers.

- (e) These are all unique factors and attributes that support the rezoning of the Site to HDRAZ from an urban design perspective, and mean that such rezoning will not read as incongruous with other zoning surrounding the Site, nor that development of the Site to HDRAZ would have inappropriate adverse effects on amenity or urban design considerations.
- (f) The Panel erred in failing to take into account the above site-specific characteristics.

Application of the NPS-UD to the Site

[17] The decision erred in retaining the Site as HDRZ. The UIV was intended to implement Policy 5 of the National Policy Statement on Urban Development (**NPS-UD**), which required the Council to enable heights and density of urban form commensurate with accessibility or relative demand. The Site performs well in terms of accessibility and / or relative demand:

- (i) Walkable access to the Town Centre, combined with a high frequency bus service, ensures that the Site is highly accessible and warrants consideration of a higher height limit and flexibility to achieve increased density.
- (ii) Large development opportunities in close proximity to the Town Centre are scarce and it is appropriate that higher height limits are applied to the site to enable efficient comprehensive development outcomes.
- (iii) The Panel erred in determining to upzone other areas of residential zoning which, by comparison, are less accessible than the Site itself (as set out in **Attachment C**).

General reasons for Appeal

- [18] The decision does not represent the most appropriate way of achieving the objectives of the Variation under s 32 of the Act, and will not be an efficient or effective zoning of the Site.
- [19] The decision does not otherwise give effect to the relevant provisions of the NPS-UD.
- [20] The decision does not otherwise accord with the relevant provisions of Part 2 of the Act.

Relief sought

- [21] The Appellant seeks the following relief:
- (a) The Appellant seeks the rezoning of the Site to HDRAZ; or
 - (b) The Appellant seeks increased height and density within the Site, or any other amendments that would give effect to the relief sought by the Appellant; and
 - (c) Any other consequential amendments required to give effect to the relief sought.

Attachments

- [22] The following documents are **attached** to this notice:
- (a) A copy of the Appellant's submission (**Attachment A**);
 - (b) A copy of the Panel's Recommendations Report, comprising relevant chapters of the Report and including relevant revised provisions and maps as recommended by the Panel (**Attachment B**); and
 - (c) A copy of an urban design memo prepared by Mr Harland (**Attachment C**).
- [23] There are no parties to be served with a copy of this notice of appeal. No further submissions were made on the original submission point and no other submissions were identified on the points of appeal.

Dated: 7 April 2026

A handwritten signature in black ink, appearing to be 'R E M Hill'.

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Signed for Mr Daniel Cruickshank
by its solicitor and duly authorised agent
R E M Hill / L C King

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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.

Advice

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