

**Notice of appeal to the Environment Court against decision on the Urban Intensification  
Variation to the Queenstown Lakes Proposed District Plan**

To:  
The Registrar  
Environment Court  
Christchurch

1. **Warwick Osborne and Marie Osborne** appeal against part of a decision of Queenstown Lakes District Council on the following variation:

***Urban Intensification Variation to the Proposed Queenstown Lakes District Plan.***

2. The Appellants made a submission on the variation, being submission number 1258.
3. The Appellants received notice of the decision on or about 20 February 2026.
4. The decision appealed against was made by Queenstown Lakes District Council.
5. The part of the decision appealed against is as follows:

The part of the decision on the variation insofar as it applies, retains, or confirms High Density Residential A zoning (HDRA) and associated HDRA outcomes and Medium Density Residential A (**MDRA**) and associated MDRA outcomes to land in the vicinity of Panorama Terrace and Suburb Street in particular the land at 1–17 Panorama Terrace and 26–34 Suburb Street.

In particular, the Appellants appeal the decision insofar as it:

- (a) does not retain the previous lower-intensity zoning outcome for that locality;
- (b) does not adopt Medium Density Residential zoning as an alternative, lesser response; and

(c) permits or retains the more enabling HDR / HDRA and MDRA outcome, including the 16.5 metre and 12 metre building height framework, in that locality.

The appeal relates to the planning map changes and Chapters 8/8A, 9 and 9A provisions, insofar as they produce that outcome.

## 6. Background

- a. The Appellants reside at **33 Suburb Street, Queenstown**, on the corner of Suburb Street and Panorama Terrace.
- b. The Appellants' submission identified, inter alia, the properties at 1–17 Panorama Terrace and 26–34 Suburb Street as the locality that should be returned to Lower Density Suburban Residential rather than the notified MDR and HDR outcome.
- c. The Appellants' concern is that the notified and recommended HDR / HDRA and MDRA outcome in this locality will not in practice deliver the residential housing opportunities said to justify it, and will instead enable visitor accommodation development to outcompete residential development, while materially worsening amenity effects, including severe shading in winter, and adverse built form effects.
- d. The Appellants also say that the locality lies at the edge of the more accessible land around the Queenstown Town Centre, and that the existing topographical separation between Panorama Terrace and Frankton Road provides a logical boundary between more intense HDR zoning below and lower density residential development above.

## 7. Reasons for appeal

- 7.1 The decision fails properly to apply the Panel's own stated approach to the implementation of Policy 5 of the National Policy Statement-Urban Development (**NPS-UD**).
- 7.2 The Panel expressly found that the NPS-UD is not so blunt or directive that all additional height and density identified as "commensurate" must be provided regardless of adverse effects, local impacts, or practicality, and that where upzoning is warranted it should be delivered in the most character- and amenity-compatible way for the particular location. The Appellants say the decision does not properly apply that approach to this locality, particularly having regard to the locality's severe winter shading conditions and narrow street network.
- 7.3 The Panel also found that, in Queenstown, for the most part apartment-based living of 3 or more storeys is not commensurate or appropriate outside the central neighbourhood adjacent to the Queenstown Town Centre, and

that, other than in central Queenstown and at and adjacent to Three Parks Wānaka, intensification should generally be based on variants of the *existing LDSRZ / SRZ and MDRZ* frameworks, with additional density enabled but without the same degree of increased height. The Appellants say the decision does not adequately explain why the full HDRA and MDRA outcome is nevertheless appropriate in this edge location.

- 7.4 The Appellants' submission and legal submissions clearly sought that the variation not apply to their property and neighbouring land in this locality, and specifically sought inter alia that 1–17 Panorama Terrace and ,26–34 Suburb Street be retained in the Lower Density Suburban Residential Zone. In the alternative, the submitters legal advanced MDR as the more appropriate fallback outcome if LDSR was not accepted.
- 7.5 The decision did not adequately engage with that intermediate relief. The report records that submissions in 'Area 2' included opposition to HDR on Suburb and Dublin Streets, opposition to rezoning in the vicinity of Panorama Terrace, and requests to retain operative heights and zoning, but then substantially adopts the notified / officer approach without materially confronting the Appellant's specific LDSR-or-MDR fallback advanced in submissions.
- 7.6 The Appellants are concerned, and submitted, that the variation will not in practice deliver the residential housing opportunities said to justify the HDRA uplift in this locality, because visitor accommodation activities will outcompete residential development and capture the increased development opportunity. The Appellant's submitted that the variation would not result in more residential opportunities and more diverse housing choice while supporting housing affordability in the HDR zone, and that MDR would reduce the risk of visitor accommodation taking up that additional opportunity.
- 7.7 The decision report itself acknowledges that the variation was advanced on a housing-led rationale and that housing choice, diversity and affordability were central themes of the variation, yet the Panel did not materially evaluate whether the marginal additional HDRA capacity in this locality is likely to contribute to housing supply, housing diversity, or affordability at all, as opposed to further enabling visitor accommodation outcomes. In that respect, the decision does not adequately test whether the chosen HDRA response for land to the south of Panorama Terrace is truly commensurate, efficient, or effective.
- 7.8 The Appellants say the decision is therefore flawed in that it adopts a housing-led rationale for increased HDRA development opportunity but does not properly test whether that uplift in this locality is in fact likely to serve housing outcomes at all.

- 7.9 The Appellants further say that the natural topographical separation between Panorama Terrace and Frankton Road, and the present character of the area below as largely large-scale visitor accommodation fronting Frankton Road, provide a logical and coherent boundary between a more intense High Density Residential zone and the residential area above. That was expressly advanced in the Appellant's legal submissions and is consistent with the evidence relied on, including Mr Wallace's evidence that this area sits at the edge of the more accessible land around the QTC and that natural boundaries such as roads and steep topography are preferable for defining zone transitions. The enabled height and massing will increase winter shading and reduce sunlight/daylight access, and will also create an overly enclosed streetscape (a "canyon" effect) inconsistent with residential amenity expectations for this edge location.
- 7.10 Further, the Panel's recommendation applies to the Panorama Terrace and Suburb Street locality the HDRA framework, notwithstanding the Panel's own overall findings that, other than in the central Queenstown neighbourhood and at and adjacent to Three Parks Wānaka, intensification should generally proceed through *variants of the existing LDSRZ / SRZ and MDRZ frameworks* based on existing PDP height limits. The Panel's reasoning was that HDRA was to be used where more height than the existing PDP zones provided for was required. The Appellants' position is that, as applied to the properties on the southern side of Panorama Terrace and 26–34 Suburb Street the recommendation retains the same order of intensification and built-form enablement to which they objected, rather than adopting the lower-intensity LDSR or, at least, MDR response. That differential treatment is not adequately explained by reference to accessibility, relative demand, or site-specific circumstances, particularly where Mr Osborne's evidence and submissions identified this area as an edge location of the more accessible land around the QTC and relied on the natural topographical transition between Panorama Terrace and Frankton Road. The same concern arises in relation to visitor accommodation: the Appellants' case was that the additional HDR development opportunity in this locality was likely to be captured by visitor accommodation rather than materially contributing to housing outcomes, and that MDR would reduce that risk. In those circumstances, the recommendation does not adequately demonstrate why the more enabling MDRA and HDRA/HDR outcome for this locality is necessary, proportionate, or the most amenity-compatible method of implementing Policy 5.
- 7.11 The decision also introduces, for this locality, a materially more enabling and differently structured height regime than that addressed through notification and submissions. Under the recommended HDRA provisions, a building height of up to 16.5m is permitted in Queenstown, with building height between 16.5m and 24m falling within a restricted discretionary regime. On the Appellants' analysis of the notified provisions, the previous non-complying threshold above 20m has therefore been displaced in favour of a substantially more enabling stepped regime. That is not a mere drafting refinement. It materially changes the planning consequences of the zoning by extending the range of building heights anticipated by the plan and by reducing the regulatory threshold that would otherwise apply to substantial additional height. The Appellants say those changes are of obvious significance in an

existing residential neighbourhood and raise a legitimate fairness concern, because the persons most directly affected were not fairly on notice that a separate HDRA framework, with materially different activity status consequences for additional height, might emerge from the process. In those circumstances, the decision gives rise both to a substantive planning concern and to a procedural concern as to whether affected persons had a fair opportunity to participate on the case ultimately adopted.

7.12 Further, the decision's application of the MDRA/HDRA built-form and height framework to the Panorama Terrace / Suburb Street interface will enable building forms of substantial height and length in close proximity to a narrow, steep road corridor, resulting in excessive bulk and dominance, an unrelieved built edge, and an undue sense of street enclosure (a "canyon" effect). In combination with the locality's topography, such built form is likely to materially reduce daylight and sunlight penetration within the street corridor and to adjoining residential properties (particularly in winter), diminish openness and visual relief, and thereby generate adverse effects on amenity values that are disproportionate to, and not necessary to achieve, the intensification outcomes relied on; a more graduated LDSR or MDR response (including stepped or tiered height controls at the sensitive residential interface) would better implement Policy 5 of the NPS-UD in the most amenity-compatible way for this edge location.

7.13 The Appellants acknowledge that loss of private views alone is not a sufficient basis to resist intensification. This appeal is not advanced on that basis alone. It is advanced on the combined basis of:

- (a) inconsistency with the Panel's own Queenstown framework;
- (b) failure to adopt the more proportionate LDSR response sought in the submission or through this appeal, a MDR response;
- (c) failure to grapple with the visitor accommodation consequences of the HDR / HDRA uplift; and
- (d) localised adverse effects on amenity, outlook, dominance – including height and massing, winter shading and reduced sunlight/daylight access, and residential character.

## **8. Relief sought**

### **Primary relief**

- a. That the appeal be allowed.
- b. That the decision be amended so that the land at 1–17 Panorama Terrace and 26-34 Suburb Street is retained in the (renamed) Suburban Residential

Zone, together with all consequential amendments to the planning maps and provisions necessary to give effect to that relief.

#### **Alternative relief**

- c. The decision be amended so that the land with frontage to Panorama Terrace, and the land at 26-34 Suburb Street is zoned Medium Density Residential, together with all consequential amendments to the planning maps and provisions necessary to give effect to that relief including but not limited to the reintroduction of non-complying activity status for breaches of height limits beyond the permitted activity standard.
- d. Such amendments as are necessary to remove the MDRA and HDRA built-form outcome for that locality, including the 16.5 and 12 metre residential building height framework, and replace it with the MDR outcome applying under the Plan. Noting that if the alternative relief sought under c. above is unsuccessful with respect to the land on the southern side Panorama Terrace the MDRA zoning of the Appellants' land is retained.

#### **General**

- e. Such further, alternative, or consequential relief as the Court considers appropriate.
9. The Appellants are not a person who could gain an advantage in trade competition through this appeal.

#### 10. Documents attached

The Appellants attach the following documents to this notice:

- a. a copy of the Appellants' submission;
- b. a copy of the relevant decision (or relevant part of the decision); and
- c. a list of the names and addresses of persons to be served with a copy of this notice.

Signed for and on behalf of  
**Warwick Osborne and Marie Osborne**  
by their duly authorised agent and solicitor



**JAYNE ELIZABETH MACDONALD**

Dated: **7 April 2026**

**Address for service of Appellants:**

Level 2, 26 Hawthorne Drive

Frankton

Queenstown 9300

Telephone: 03 441 0125

Email: [jmacdonald@mactodd.co.nz](mailto:jmacdonald@mactodd.co.nz)

Contact person: Jayne Macdonald

**Appendix A** – a copy of the Appellants' submission (**attached**)

**Appendix B** - a copy of the relevant decision (or relevant part of the decision) (**attached**)

**Appendix C** – a list of names and address of persons to be served with a copy of this notice (in accordance with the Notice of Motion and Directions for Service filed by QLDC on 7 April 2026).

**Queenstown Lakes District Council**

**[dpappeals@qldc.govt.nz](mailto:dpappeals@qldc.govt.nz)**

**Ms Judith Middendorf**

2 Sunrise Lane

Queenstown

**[middendorf@xtra.co.nz](mailto:middendorf@xtra.co.nz)**

[being the only further submitter to the Appellant's submission]