

**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. **Scott O'Donnell and Jocelyn O'Donnell** 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 submissions on the variation, being submission numbers 641 and 657.
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:
  - (a) The part of the decision on the variation insofar as it applies High Density Residential zoning, and in particular High Density Residential A zoning, and the associated increased residential building height controls, to the land immediately south of and in front of the Appellants' property at 9 and 11 Panorama Place, Queenstown, and to adjacent land fronting Panorama Terrace and Panorama Place.

In particular, the Appellants appeal the decision insofar as it permits, applies, or retains a building height of 16.5 metres to that land, rather than retaining the

previous/local height regime or imposing a lower site-specific maximum height and/or more appropriately aligned zoning outcome for the that land.

(b) The part of the decision on the variation insofar as it applies Medium Density Residential zoning, and in particular Medium Density Residential A (**MDRA**) zoning, and the associated increased residential building height controls, to the land to the north of and fronting Panorama Terrace and Panorama Place.

In particular, the Appellants appeal the decision insofar as it permits, applies, or retains a building height of 12 metres (11 metres plus 1m for pitched roof) to that land, rather than retaining the previous/local height regime or imposing a lower site-specific maximum height and/or more appropriately aligned zoning outcome for that land.

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 own property at 9 and 11 Panorama Place, Queenstown (Lots 13 and 14 DP 8728 on Record of Title OT392/118) (**Appellants' Land**).
- b. Prior to the variation, the Appellants' Land, together with adjoining properties on the north and south side of Panorama Terrace, was zoned Lower Density Suburban Residential. As notified, the variation proposed that the properties on the southern side of Panorama Terrace (including the Appellants' Land) be rezoned High Density Residential, with the land to the north of Panorama Terrace proposed to be rezoned Medium Density Residential.
- c. The Copthorne Hotel and Apartments lie immediately south of the Appellants' Land with an operative zoning of High Density Residential. The existing Copthorne buildings are approximately 13 metres in height. The Appellant's submissions identified that the proposed increased height limit of 16.5 metres to the High Density Residential Zone proposed to be introduced by the variation would enable the construction of an additional storey or redevelopment of the Copthorne site to that height, with significant adverse effects on the Appellants' amenity.

- d. The Appellant's submissions also identified that redevelopment of properties to the north, west and east of the Appellants Land pursuant to both a High and Medium Density Residential zoning, may adversely affect access to sunlight, amenity and privacy.

## 7. Reasons for appeal

- 7.1 The decision is inconsistent with, or fails properly to apply, the Panel's stated approach to implementation of Policy 5 of the National Policy Statement on Urban Development 2020 (NPS-UD), including the finding that where upzoning is required it should be delivered in the most character-and amenity-compatible way for the relevant location. The Panel reasoned 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.
- 7.2 The decision does not adequately explain why a 16.5 metre height regime should apply to the land immediately south of and in front of the Appellants' property, having regard to the Panel's broader findings for Queenstown that, for the most part, apartment-based living of 3 or more storeys is not commensurate or appropriate outside the central Queenstown neighbourhood adjacent to the Queenstown Town Centre, and that outside that area intensification should generally proceed through variants of the existing LDSRZ / SRZ and MDRZ frameworks based on existing PDP height limits.
- 7.3 The decision did not adequately respond to the Appellants' location-specific concerns identified in their submission and in evidence presented to the hearings panel, including that the existing building immediately south is already approximately 13 metres in height, and that a 16.5 metre height limit would enable an additional storey or redevelopment to 16.5 metres, materially worsening effects on outlook, amenity, sunlight, and privacy.
- 7.4 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.

- 7.5 The Appellants' submission opposed intensification in the vicinity of Panorama Terrace and Panorama Place in its notified form, and alternatively sought amendments to ensure a better balance between intensification outcomes and maintaining amenity. The decision does not properly accommodate that relief, despite the submission expressly putting zoning, height limits, and recession planes in issue. In fact, as above, the decision imposes a significantly worse outcome well beyond what was notified.
- 7.6 The decision has also failed to adequately address the Appellants' submission that the increased HDR / HDRA development capacity in this locality is highly likely to benefit visitor accommodation rather than housing. The Appellants expressly submitted and provided expert evidence in support thereof, that increased height and relaxed recession planes in the HDRZ would benefit visitor accommodation without contributing to housing availability or affordability and may instead reduce residential capacity.
- 7.7 In that respect, the Panel did not materially evaluate whether the additional development opportunity in this locality is likely to contribute to housing outcomes at all, as opposed to further enabling visitor accommodation outcomes. That omission is significant and material given the Panel's own acceptance that, generally, there was not a strong case to significantly change the PDP to satisfy the relative demand limb of Policy 5 and that, in most places, additional density was less concerning than additional building height.
- 7.8 Further, as applied to the land in the vicinity of Panorama Terrace and Panorama Place, the Panel's recommendation retains the same order of intensification and built-form enablement to which the Appellants objected. The Panel's own findings were that the NPS-UD does not require all identified intensification to be provided irrespective of local

effects, and that where upzoning is warranted it should be delivered in the most character-and amenity-compatible way for the particular location. The Panel also found that, for most of Queenstown, apartment-based living of 3 or more storeys is not commensurate or appropriate, and 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*. HDRA was recommended for those locations where the Panel considered that more height than the existing PDP zones provide for was required. The Appellants say that, in this locality, that conclusion is not adequately supported by the Panel's findings as to accessibility, relative demand, or local context. Instead, the recommendation continues to apply to the frontage immediately affecting the Appellants a high-intensity built-form outcome of the same general order as that opposed in submission, including the 16.5m+ enabling framework, notwithstanding the Appellants' request that the zoning, height limits and recession planes in the vicinity remain unchanged, or alternatively be reduced. In those circumstances, the recommendation does not demonstrate that the HDRA/HDR and MDRA outcome applying in this locality is the most appropriate, proportionate, or amenity-compatible method of giving effect to Policy 5.

- 7.9 A lower height control for the land north, immediately south of and in front of the Appellants' property would remain consistent with the Panel's reasoning about demand and appropriate urban form, while better avoiding or mitigating local adverse effects. That is because the Panel's own overall approach was that, where upzoning is warranted, it should be implemented in the most character-and amenity-compatible way, and that much of Queenstown should accommodate intensification through lower-height forms and increased density rather than 3+ storey apartment-style development.
- 7.10 Further, and for the same reasons, the Appellants say that MDRA, and HDR/HDRA is not the appropriate zoning outcome for the Appellants' land and the other landholdings with frontage to Panorama Terrace. In the event that the Appellants are successful in seeking to have a lower height limit applied to the land immediately south of and in front of the Appellants' property but unsuccessful in seeking retention of the pre-existing LDSR zoning, then, at minimum, those properties should be zoned MDR rather than a combination of HDR/HDRA and MDRA. That relief is consistent with the Panel's own finding that, outside the central Queenstown neighbourhood, intensification should generally proceed through variants of the *existing LDSRZ / SRZ and MDRZ frameworks*, and

reflects the Appellant's submissions that the notified MDR and HDR outcome in the Panorama Terrace / Panorama Place vicinity was inappropriate and that lesser controls were required to better balance intensification and amenity.

- 7.11 If the Appellant is unsuccessful in seeking to have a lower height limit applied to the land immediately south of and in front of the Appellants' property then the HDRA zoning of the Appellants' property should be retained in order that some amenity and access to sunlight can be achieved.

## 8. Relief sought

### Primary relief

- a. That the appeal be allowed.
- b. That the decision be amended so that the zoning, height limits, and recession plane controls in the vicinity of Panorama Terrace and Panorama Place, and on the land immediately south of and in front of the Appellants' property, remain unchanged from the pre-decision position.

### Alternative relief

- c. In the event that the primary relief sought is not granted, that the relevant rules and standards be amended so that the land immediately south of and in front of the Appellants' property is subject to a maximum building height of 12 metres rather than 16.5 m and non-complying activity status is reintroduced for breaches of height limit above that standard, **and**
- d. That the Appellants' land and the other landholdings with frontage to Panorama Terrace be zoned Medium Density Residential rather than Medium Density A/High Density Residential/High Density Residential A together with all consequential amendments to the planning maps and provisions necessary to give effect to that relief, including without limitation, the reintroduction of non complying activity status for breach of height limit beyond the permitted activity standard. Noting that if the alternative relief sought under item c. above is unsuccessful the HDRA zoning of the Appellants' land is retained.
- e. Any consequential amendments to the planning maps, the Chapter 8/8A and 9/9A provisions, and any associated recession plane or related built form controls necessary to give effect to that relief.

- f. 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(s);
- 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  
**Scott O'Donnell and Jocelyn O'Donnell**  
by their duly authorised agent and solicitor



**JAYNE ELIZABETH MACDONALD**

Dated: **7 April 2026**

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**Appendix A** – a copy of the Appellants submissions (**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**

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[being further submitters to the Appellant's submissions]