

Form 7

Notice of appeal to Environment Court against decision on proposed policy
statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Robert Arthur Phelong, appeal against a decision of Queenstown Lakes District Council on the following plan variation:

Urban Intensification Variation to the Queenstown Lakes Proposed District Plan.

I made a submission on that plan variation. I am not a trade competitor for the purposes of section 308D of the Act.

I am directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I received notice of the decision on 20th February 2026.

The decision was made by Queenstown Lakes District Council.

The decision (*or* part of the decision) that I am appealing against is:

- The decision to adopt provisions within the Medium Density Residential Zone (MDRZ) under the Urban Intensification Variation which increase the maximum permitted building height from 7 metres to 8 metres, including Rule 8.5.1 – Building Height.
- The decision enables an additional metre of permitted building height within the MDRZ in Wanaka while retaining the existing recession plane, density and building coverage controls.

The reasons for the appeal are as follows:

1. Increased height does not meaningfully enable additional intensification.

The increase in permitted building height from 7m to 8m does not materially increase the ability to achieve additional residential density.

In practical terms, the additional metre of building height does not enable an additional storey of development. A building height of 7 metres is already sufficient to

accommodate a typical two-storey residential building. Increasing the permitted height to 8 metres does not enable a third storey, but instead only allows for marginally higher floor levels, increased ceiling heights, or steeper roof forms. As such, the additional metre does not materially increase development capacity or enable further intensification outcomes.

The existing bulk and location standards remain largely unchanged, including recession plane controls. As a result, the additional height allowance is unlikely to significantly increase development capacity or the number of dwellings that can be accommodated on typical residential sites.

Accordingly, the provision does not materially advance the objectives of the Urban Intensification Variation or the National Policy Statement on Urban Development, as it does not provide a meaningful increase in development capacity.

2. Increased height will adversely affect residential character and amenity.

The additional building height has the potential to create increased adverse effects on neighbouring residential properties including:

- Loss of outlook
- Reduced sunlight access
- Increased shading
- Increased visual dominance of buildings.

Within established residential areas of Wanaka, development is typically characterised by one and two storey buildings.

The importance of maintaining residential amenity values within Wanaka has already been recognised through the introduction of the Medium Density Residential A Zone provisions, which apply in locations where greater building height and density are considered appropriate to accommodate intensification.

In contrast, the MDRZ largely retains existing height limits and built form provisions in order to manage amenity and character effects within established residential areas.

The decision to increase the permitted building height within the MDRZ risks undermining these amenity values by enabling additional building height in areas where intensification outcomes are neither intended nor able to meaningfully occur.

In this context, the additional metre of building height increases the potential scale and visual dominance of development and associated adverse amenity effects, while providing little or no practical increase in development capacity.

In these circumstances, the additional height represents an inefficient planning outcome, as it introduces greater potential for adverse amenity effects without delivering a corresponding intensification benefit.

I seek the following relief:

1. The decision to increase the maximum building height within the Medium Density Residential Zone from 7 metres to 8 metres be deleted.
2. That Rule 8.5.1. – Building Height be amended so that the maximum permitted building height within the Medium Density Residential Zone in Wanaka remains 7 metres.
3. Any Consequential amendments required to give effect to this relief.

I attach the following documents* to this notice:

- (a) a copy of my submission:
- (b) a copy of the relevant decision:
- (c) the relevant provisions of the Urban Intensification Variation:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Date: 19 March 2026

Signature of appellant:



Nicole Malpass, Planning Consultant, IP Solutions Ltd

(*or* person authorised to sign
on behalf of appellant)

Address for service of appellant:

IP Solutions Ltd,
5 Chalmers Street,
Wanaka,
9305

Telephone: 02108060084

Fax/email: nicole@ipsolutions.nz

Contact person: Nicole Malpass, Planning Consultant

Note to appellant

Appeals other than in relation to freshwater planning instruments

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

Notes for all appeals

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Act.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed.

The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- 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
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice

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

Schedule 1 form 7: replaced, on 3 September 2020, by regulation 7(3) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).