

**In the Environment Court
at Christchurch**

ENV-2026-CHC-026

**I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe**

**In the Matter
And**

of the Resource Management Act 1991

In the Matter

of an appeal under Clause 14(1),
Schedule 1 of the Act on a decision on
the Urban Intensification Variation

Between

**CARTER QUEENSTOWN 2015
LIMITED**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of
Cactus Kiwi NZ Limited Partnership's
wish to be Party to Proceedings**

Dated: 29 April 2026

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To: The Registrar
Environment Court
Christchurch

1. Cactus Kiwi NZ Limited Partnership (**Cactus Kiwi**) wishes to be party to the following appeals on the Queenstown Lakes District Council's decision (**Decision**) to adopt the Recommendation of the Independent Hearings Panel (**Panel**) on the Urban Intensification Variation to the Proposed Queenstown Lakes District Plan (**PDP**):

Carter Queenstown 2015 Limited v Queenstown Lakes District Council (ENV-2026-CHC-026) (Appeal).

Nature of Interest

2. Cactus Kiwi made a submission on the subject matter of the Appeal.
3. Cactus Kiwi also has an interest in the Appeal that is greater than that of the general public as the points raised within the Appeal relate to land owned by Cactus Kiwi.
4. Cactus Kiwi is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**Act**).

Extent of Interest

5. Cactus Kiwi is interested in all aspects of the Appeal by Carter Queenstown 2015 Limited (**Carter Group**).
6. Without limiting the generality of the interest of Cactus Kiwi, Cactus Kiwi is interested in the following particular issues:
 - (a) The proposed deletion of standard 12.5.8.2(c) which relates to the application of Rule 12.5.8.2 (building façade height and setback at upper floors) on Area A and Area B of Height Precinct 3 in the Queenstown Town Centre Zone; and
 - (b) The proposed deletion of standard 12.5.9.1(ix) which relates to the application of the 20m maximum height from RL 326.5 masl for Area B of Height Precinct 3 (Man Street) in the Queenstown Town Centre Zone.

Relief Sought

7. Cactus Kiwi seeks that the relief sought in the Appeal related to building façade setbacks and maximum height measurement in Area A of Height Precinct 3 be **declined** for the following reasons:
- (a) The use of a bespoke RL datum level for Area B of Height Precinct 3 (Man Street) already existed in the PDP prior to the notification of the Urban Intensification Variation.¹
 - (b) The use of RL 326.5 for measurement of height and the use of the Man Street road boundary level for building façade setback is consistent with the long-term amphitheatre approach of the QTCZ which aims to frame urban development in a manner that reflect the unique setting and character of the QTCZ. The amphitheatre approach was supported in the Decision.²
 - (c) The Panel anticipates development in the QTCZ as it is a 'rational, logical, efficient and effective location to maximise height to give effect to Policy 5 and the NPS-UD as a whole.'³ Cactus Kiwi agrees with this statement but caveats this with maximum heights being appropriate in certain circumstances as also reiterated by the Decision.⁴
 - (d) The Appeal is inconsistent with Policy 5 of the NPS-UD and the purposes and provisions of the Act.
 - (e) The Appeal will not promote sustainable management of resources and is therefore contrary to Part 2 and other provisions of the Act
 - (f) The Appeal does not represent the most appropriate means of exercising the Council's functions, having regard to the costs and benefits, and the efficiency and effectiveness of other available means and is therefore not appropriate in terms of section 32 of the Act.

¹ Statement of Evidence of Ms Costello for the Multiple Queenstown Submitters, 4 July 2025 at [102].

² Recommendation of the Independent Hearing Panel, 23 December 2025 at 16.19.

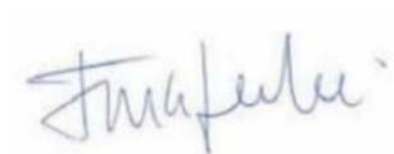
³ Recommendation of the Independent Hearing Panel, 23 December 2025 at 16.18.

⁴ Recommendation of the Independent Hearing Panel, 23 December 2025 at 16.21(f)

Mediation

8. Cactus Kiwi agrees to participate in mediation or other dispute resolution of the Appeal.

Dated this 29th day of April 2026



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