

**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 **ARROWTOWN VILLAGE
ASSOCIATION**

Appellant

AND **QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 7 April 2026

Todd Walker

Solicitor acting
G M Todd / R E M Hill
PO Box 124 Queenstown 9348
P: 03 441 2743
graeme.todd@toddwalker.com
rosie.hill@toddwalker.com

TO: The Registrar
Environment Court
Christchurch

AND TO: The Respondent

- [1] The Arrowtown Village Association (**AVA**) (**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.
- [2] The Appellant made a submission on the UIV.
- [3] The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- [4] The Appellant received notice of the decision on 20 February 2026.
- [5] The decision was made by an Independent Hearings Panel (**Panel**) appointed by the Council.
- [6] The part of the decision the Appellant is appealing is the removal of the Arrowtown Design Guidelines (**ADG**) as a relevant policy matter, and as a matter of restricted discretion and / or assessment matter within the Suburban Residential (**SRZ**) and Medium Density Residential Zones (**MDRZ**), as those relate to Arrowtown.
- [7] This appeal, lodged by AVA, is representative of a wider body of support within Arrowtown. The UIV attracted considerable attention within Arrowtown, with many community members submitting on the UIV. Throughout the Variation process, these community submitters were represented by a group formed as the 'Friends of Arrowtown' (**FOAV**). FOAV is not a submitter in its own right, nor an incorporated society. FOAV represented around 740 Arrowtown residents with aligned interests, of which around 160 were submitters on the UIV. FOAV is supportive of this appeal. In its own right, AVA is a charitable incorporated society that represents the Arrowtown community. Prior to submitting on the UIV, the AVA undertook a community survey to inform its submission.

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

Ground 1 – No scope / jurisdiction to remove ADG

[9] The Panel erred in recommending that reference to the ADG in policies are removed and / or that an assessment of proposed development against the ADG be removed from the SRZ and MDRZ Chapters of the Proposed District Plan as there was no scope / jurisdiction within submissions to do so. In particular:

- (a) The removal of the ADG (as either a policy, rule, or assessment matter) from these Chapters was not fairly or reasonably anticipated by interested parties and was not expressly sought by any submission lodged on the UIV.
- (b) The notification documents of the UIV did not propose the removal of the ADG from the Proposed District Plan. There is no reference within the section 32 assessment, or supporting expert assessment reports from the Council's notification of the UIV that refer to the possible removal of the ADG. The UIV as notified included, and relied, on the ADG as an intrinsic part of the policy and rule framework. The notification documents proposed the update of documents incorporated by reference into the Proposed District Plan and that these would be notified at a later date. Amendments to the ADG had also been drafted to align with the provisions of the notified UIV. As such, the removal of the ADG from the SRZ and MDRZ Chapters would not have been reasonably anticipated by interested parties.
- (c) Submissions did not raise the removal of the ADG from the SRZ and MDRZ Chapters of the Proposed District Plan in general terms. In their submission on the Variation, the Appellant sought the Variation as applied to Arrowtown to be withdrawn, identifying that the Variation would adversely affect Arrowtown's character. The submission also outlined that the ADG are fundamental to promoting positive design outcomes within the SRZ and MDRZ. One submission has been located (OS522) which requested that assessment against the ADG was not required until more than four units are proposed in the MDRZ. However, this submission does

not provide broad or consequential scope for the general removal of the ADG as a policy, rule, or matter of discretion across both the SRZ and MDRZ.

- (d) The Panel does not appear to have considered scope / jurisdiction in making its determinations on removal of the ADG in these Chapters, nor identify which submission points it was relying on as support to do so.

Ground 2 – No evidence supporting merits of removal of ADG

[10] Without limiting the above ground of appeal, the Panel erred in concluding that the ADG are no longer fit for purpose given the changes to the SRZ and MDRZ Chapters resulting from the UIV decisions. The Panel’s recommendation has significantly reduced the proposed heights and density from the UIV, as compared to that which was originally notified as applying to Arrowtown. What has eventuated for Arrowtown is a minor uplift in height as a restricted discretionary activity only (and no change to permitted provisions). As such, the ADG remain fit for purpose and reflect Arrowtown-specific objectives and policies. The removal of the ADG is not justified.

[11] The decision does not represent the most appropriate way of achieving the objectives of the Variation or Proposed District Plan under s 32 of the Act. The ADG are a document created by community consultation and input and provide a settled definition of Arrowtown’s character. The removal of assessment against the ADG and replacement with a general assessment against the undefined “Arrowtown’s existing character” creates inefficiencies and uncertainties in plan administration. Without a clear definition or reference point as to what constitutes “Arrowtown’s existing character,” the term is subjective and open to interpretation and will be subject to debate through multiple consenting processes, rather than being assessed against the clear context and parameters set out in the ADG. This has the potential for:

- (a) inefficiencies through litigation;
- (b) inconsistent application of the terminology through consenting and, therefore, inconsistent or incoherent planning outcomes; and

- (c) there being no way of measuring or ensuring whether objectives of the PDP are being achieved (including in terms of Objective 8.2.4 and associated policies, and Objective 7.2.4 and associated policies) which specifically refer to the objective of residential development in Arrowtown compatible with the town's existing character.

[12] The objectives mentioned above are retained under the UIV, and are the product of PDP determinations since 2016 which were promulgated in tandem with the current ADG. The ADG was the mechanism through which Arrowtown's character was to be protected / provided for and recognised in these zones. There is no rationale in now removing the ADG while retaining those objectives and associated policies (and without any new or material change to subordinate rules).

[13] The ADG is not simply a technical document prepared by consultants. It is the product of over five decades of community engagement, extensive professional input, and successive iterations of the District Plan. Each generation of Arrowtown's residents has reinforced the same fundamental values: the protection of heritage character, the importance of cottage-scale development, and the primacy of vegetation and spaciousness over built form. These values are still embodied within the Proposed District Plan objectives, policies and rules relating to Arrowtown, and have been reflected in the UIV decision to apply bespoke and less intensive provisions to Arrowtown, compared to other urban and residential areas throughout the District.

[14] The Panel had no expert urban design or special character / heritage evidence before it to support a finding that the ADG were no longer appropriate or fit for purpose in the UIV context. In particular, it did not examine which particular rule changes, or combination of rule changes, would make the ADG no longer fit for purpose in its context. This includes no consideration of the following:

- (a) The building envelope is essentially unchanged as between the previous PDP rules and standards and those applying under the UIV. Height in relation to boundary, coverage, setbacks, and

building length are the parameters that define building form. None of these have materially changed through the UIV.

- (b) The Panel's recommendations introduced a new restricted discretionary activity height band for building heights between 7–8m in the MDRZ and between 6.5–8m in the SRZ. These bands did not previously exist in the Arrowtown context. However, they do not undermine the fitness for purpose of the ADG, rather, they reinforce the need for it. The ADG's guidance on building composition, mass, roof form, and the relationship between single and two-storey elements was written to manage the visual impact of buildings approaching the height limits. These matters will assist a consent authority assessing these restricted discretionary applications in determining appropriateness against Arrowtown-specific character.

[15] The Panel failed to engage in the specific content of the ADG, which is general enough in its application to be adapted to the new UIV framework (noting, as set out above, that the new UIV framework is not materially different in any event). The ADG addresses character – being the qualitative aspects of development that determine whether a building fits within Arrowtown's heritage context, rather than being entirely rule specific. If the building form rules have not materially changed, then the character outcomes being sought have not changed and the ADG remains appropriate and efficient to achieve objectives of the PDP.

[16] The decision does not otherwise give effect to the relevant provisions of the NPS-UD, the objectives of Chapters 7 and 8 insofar as those relate to Arrowtown, and other relevant higher order and strategic provisions of the PDP.

[17] The decision does not otherwise accord with the relevant provisions of Part 2 of the Act.

Relief sought

[18] The Appellant seeks the following relief:

- (a) That reference to the ADG is reinstated as a matter of policy and restricted discretion / assessment matter for development within the SRZ and MDRZ of Arrowtown; and
- (b) The Panel recommendations to remove any reference to the ADG throughout the PDP is otherwise overturned; and
- (c) Any other alternative or consequential amendments that may be required to give effect to the relief sought by the Appellant.

Attachments

[19] The following documents are **attached** to this notice:

- (a) A copy of the Appellants' submission and further submission (**Attachment A**);
- (b) A copy of the Panel's Recommendations Report, comprising relevant chapters of the Report and including relevant provisions relating to Arrowtown (**Attachment B**); and
- (c) A list of parties to be served with a copy of this notice of appeal (**Attachment C**).

Dated: 7 April 2026



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Signed for the Arrowtown Village Association
by their solicitor and duly authorised agent
G M Todd / R E M Hill

Address for Service:

C/- Todd Walker

PO Box 124, Queenstown 9348

P: 03 441 2743

E: graeme.todd@toddwalker.com

E: rosie.hill@toddwalker.com

E: lucy.king@toddwalker.com

Contact persons: G M Todd / R E M Hill / L C King

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.