



SECTION 293 PROPOSAL

PROPOSED ALTERATION TO THE MT ALPHA OUTSTANDING NATURAL LANDSCAPE BOUNDARY

1. This document provides a summary of the proposed alteration to the Mt Alpha Outstanding Natural Landscape (**ONL**) boundary, relative to land to the south of Waterfall Creek (to the west of Wanaka at the bottom of the Mt Alpha face).

Background

2. In 2019 the Environment Court heard a number of appeals against the Proposed Queenstown Lakes District Plan which concerned the mapping of the District's outstanding natural landscapes and outstanding natural features.
3. The location of the Mt Alpha ONL boundaries was the subject of one of those appeals. Through the course of the relevant hearing, the landscape expert for the Queenstown Lakes District Council proposed a small alteration to the boundary of the Mt Alpha ONL which was not disputed by the other parties to the appeal.
4. In reliance on this evidence, on 19 December 2019 the Environment Court issued an interim decision¹ which confirmed that the Court considered the alteration appropriate. A subsequent decision was issued on 21 September 2020, which directed that a final version of the proposed alteration be filed with the Court, so that a section 293 process could be initiated that provides opportunities for certain persons to give feedback on the proposed alteration.

The proposed alteration

5. The proposed alteration relates to land located at the bottom of the Mt Alpha face, directly south of Waterfall Creek. The proposed alteration, and relevant land, is shown on the attached map.
6. The proposed alteration will change the location of the ONL boundary only, not the underlying zoning of the land. For any sites that are within the Rural Zone already, the ONL classification will impose certain additional restrictions on the use of that land. For any sites within the Rural Lifestyle Zone, the zone provisions will not typically be restricted by the ONL being applied to the site. If, however, an activity is proposed within the ONL area that is not anticipated by the Rural Lifestyle Zone, there will be a need to consider certain policies relevant to the landscape values of the Mt Alpha ONL.

Section 293 process / next steps

7. Section 293 of the RMA allows the Environment Court to direct appropriate procedural steps that provide for the consideration and determination of amendments to planning documents (ie. provisions and maps).
8. In this case, the Environment Court has directed that a section 293 process be used in relation to the proposed alteration to the Mt Alpha ONL boundary.
9. This document has been prepared to accompany a public notice, which advises of the proposed alteration and the associated directions issued by the Court.

¹ <https://www.qldc.govt.nz/media/bhintqqd/2019-nzenvc-206-topic-2-3-opt.pdf>

10. The directions provide for certain persons to make written comments and file affidavit landscape evidence on the proposed alteration, by **Monday 28 June 2021**. After all written comments are received, the Council will file landscape affidavit evidence with the Court, and then the Court will consider the matter further.

11. The complete directions issued by the Court are set out below:

Under s293, to enable consideration of a mapping alteration for the Mt Alpha ONL boundary, it is directed:

- a. within 5 working days of the date of [this decision], QLDC must:
 - i. send written notice to all affected landowners advising of the proposed mapping alteration, by way of letter to all registered ratepayers of the relevant street addresses; and
 - ii. publicly notify the proposed mapping alteration, by way of written notice on Council's website, in order to provide other parties, with an interest in the mapping alteration that is greater than the interest the general public has, with an opportunity to join the section 293 process.
- b. any person who is not already a party but who has an interest in the proposed mapping alteration greater than the interest the general public has may give notice under s274 (using Form 33) to join as a party for the purposes of the s293 process for consideration of the proposed mapping alteration, provided that person files that notice within 25 working days of the date of [this decision];
- c. where notice is duly filed and the court is satisfied that person has an interest in the proposed mapping alteration greater than the interest the general public has, waiver of the late filing of that notice will be given;
- d. within 35 working days after the date of [this decision] (or such further period as the court may direct) every party must serve on QLDC and file with the court:
 - i. written notice of whether that party supports or opposes the proposed mapping alteration and related reasons;
 - ii. any affidavit landscape evidence for their position.
- e. within 45 working days after the date of [this decision] QLDC is to provide to the court a link to the updated Mt Alpha ONL boundary map and file either:
 - i. landscape affidavit evidence in response to any landscape evidence filed by any interested party, including an updated recommendation (if it has changed) on the proposed mapping alteration, together with, an affidavit from Council's planner, outlining the feedback received from parties; or
 - ii. a memorandum of counsel advising that no party opposes Council's proposed mapping alteration.
- f. on receipt of the information listed above, the court will consider the material filed by the parties and issue further directions as to the next steps including as to whether the court wishes to hear further from any party, or whether a determination on the papers can be made.
- g. leave is to be reserved to any party to seek modifications to the directions, on application to the court.