



## SECTION 293 PROPOSAL

### PROPOSED ALTERATION TO THE PISA / CRIFFEL RANGE OUTSTANDING NATURAL LANDSCAPE BOUNDARY

1. This document provides a summary of the proposed alteration to the Pisa / Criffel Range Outstanding Natural Landscape (**ONL**) boundary, relative to land in and around Knoll A3KV (near Lake McKay Station, to the west of Luggate).

#### 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 Pisa / Criffel Range ONL boundaries was the subject of one of those appeals. Through the course of the relevant hearing, the landscape experts involved in the appeal provided evidence which confirmed their agreement that the entirety of the summit of Knoll A3KV, a relatively prominent landform to the west of Luggate, should be included in the Pisa / Criffel Range ONL.
4. On the basis of this agreed position, on 19 December 2019 the Environment Court issued an interim decision<sup>1</sup> which allowed for an amended map to be prepared that shows the agreed alteration to the ONL boundary relative to Knoll A3KV. 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 in and around Knoll A3KV, as shown on the attached map. The proposed alteration will change the location of the ONL boundary only, not the underlying zoning of the land (which remains Rural Zone).
6. The landscape experts involved in the appeal agreed that the summit of Knoll A3KV should be integrated into the Pisa/Criffel ONL. The proposed alteration shown on the attached map is considered to appropriately capture the upper, more natural, part of the Knoll A3KV landform, and follow a logical contour / gradient boundary around the northern aspect of the landform, and the base of several rocky outcrops and escarpments around the south-western corner of the feature (adjacent to Luggate Creek).

#### 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 Pisa/Criffel 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.

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<sup>1</sup> <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 **28 May 2021**. After all written comments are received, the Council will file landscape affidavit evidence with the Court, and the Court will then consider the matter further.

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

Under s293, RMA, it is directed:

*Notification*

- (a) within 5 working days of the date of this decision, QLDC must publish on its website a notice:
- (i) stating that any person with an interest greater than the interest of the general public in the proposed amendment to the Pisa/Criffel Range ONL mapping may provide to QLDC written comments on the proposed alteration by a date specified in the notice (not less than 10 working days after publication of the notice);
  - (ii) describe the proposed alteration to the ONL map boundary relative to Knoll A3KV;
  - (iii) include a copy of the map attached as Annexure B to this decision; and
  - (iv) provide information on how written comments may be provided to QLDC.

*Rights to make written comments*

- (b) by the date specified in the notice in (a) (not less than 10 working days after the date QLDC publishes that notice) any person with an interest in the mapping alteration that is greater than the interest of the general public may provide to QLDC:
- (i) written comments on the proposed mapping alteration; and
  - (ii) any landscape affidavit evidence to support those comments.

*Council report*

- (c) within 20 working days after the date QLDC publishes the notice in (a), QLDC must file report(s) from a planning and/or landscape expert (as required):
- (i) summarising all feedback received (if any); and
  - (ii) making recommendations for the court's consideration.

*Court's determination*

- (d) once the court has received the report from QLDC as directed, this will be considered and the court will then either determine the mapping alteration or issue further directions (if required). Pending the conclusion of those s293 processes, the court reserves final determination of the appropriate ONL boundaries to give effect to the findings in Decision 2.3 (and any concerning the s293 direction). It can be anticipated that, at some stage, QLDC will be called upon to provide an updated set of map(s) to reflect the court's final determinations(s).