



## SECTION 293 PROPOSAL

### ALTERATION TO THE PROPOSED DISTRICT PLAN MAPPING AND PROVISIONS APPLYING TO LAND LOCATED AT ORCHARD AND RIVERBANK ROADS, WĀNAKA

1. This document provides a summary of the proposed alteration to the Proposed District Plan mapping and provisions relating to 40ha of land adjoining the southern edge of Wānaka's urban area, located at the corner of Orchard and Riverbank Roads.

#### Background

2. In 2018 a number of appeals were lodged with the Environment Court relating to the Proposed Queenstown Lakes District Plan.
3. The zoning of the subject site was the focus of one of those appeals. Through the course of Environment Court mediation, the parties reached an agreement that Lower Density Suburban Residential (**LDSR**) zoning is the most appropriate zone for the land, provided that certain matters are addressed through site-specific provisions, and that a section 293 process should be initiated to facilitate that outcome.
4. The Court confirmed, through an interim decision issued on 9 October 2020<sup>1</sup> that it was appropriate to consider the rezoning request through a section 293 process. The Court has considered the material notified as part of this alteration and directed the Council to notify the relevant information.

#### The proposed alteration

5. The proposed alteration relates to land fronting Orchard and Riverbank Roads, Wānaka, as shown on the **attached** map. The alteration rezones the site from Rural Zone to LDSR Zone, and moves the Urban Growth Boundary (**UGB**) around the outer edge of the site. The UGB will be aligned with the site boundary.
6. The associated proposed provisions will result in the inclusion of a Structure Plan, one Objective and provisions in Chapter 27 of the PDP (Subdivision and Development) to ensure the roading layout within the structure plan area is integrated with adjoining future development and will achieve a safe walking and cycling environment along Orchard and Riverbank Roads. The adjoining land is also subject to a structure plan (27.13.11 Alpine Meadows).
7. The proposed provisions will also manage reverse sensitivity noise effects resulting from an existing frost fan located within the structure plan area, by requiring new development located within 250m of the frost fan, to comply with sound insulation requirements. In the event that the frost fan is disestablished, the sound insulation requirements would no longer apply.
8. The experts involved in the appeal, both for the Appellant and for Council, agree that from an infrastructure/servicing perspective the site is suitable for development, and that reverse sensitivity noise effects, that may result from the existing frost fan, can be appropriately managed while the frost fan is still in operation.

#### Section 293 process / next steps

<sup>1</sup> *J Boyd, J F A & S J Redai & Ors v Queenstown Lake District Council* [2020] NZEnvC 172.

9. Section 293 of the RMA allows the Environment Court to direct appropriate procedural steps that provide for the consideration and determination of amendments to the Proposed District Plan.
10. In this case, the Environment Court has directed that a section 293 process be used in relation to the proposed alteration to the provisions and maps.
11. This document has been prepared to accompany a public notice, which advises of the proposed rezoning and amendment to the UGB, and the associated directions issued by the Court.
12. The directions provide for certain persons to make written comments on the proposed alteration, by **27 May 2021**. After all written comments are received, the Council will file a report with the Court (and evidence, as required), and the Court will then consider the matter further.
13. The complete directions issued by the Court are set out below:

Under s293, RMA, it is directed:

*Notification*

a. Within 10 working days [of the date of this decision], QLDC must:

- (i) serve written notice on owners of all properties that are subject to the rezoning, and all properties that are located directly next to the rezoned land (as shown in the attached map) by way of letter to all registered ratepayers of those properties;
- (ii) publicly notify the proposed rezoning and change in UGB, by way of written notice on Council's website and in the local newspaper;
- (iii) state in both notices that:
  - a. any person may provide to QLDC written comments and any supporting expert evidence (see (b) below) on the change by a date specified in the notice (not less than 20 working days after publication of the notice), which will be taken into account in the Council's report (see (d) below) but that;
  - b. any person who wants to formally join the Boyd, Redai & Ors appeal as a section 274 party (see (c) below), which would give them the ability to be involved in any Environment Court hearing on the proposed change (if necessary) and future appeal rights, needs to have an interest greater than the interest of the general public;
- (iv) provide a summary description of the proposed rezoning and UGB change with the public notices; and

- (v) direct people in the public notices to Council's website where the 'consultation package' will be available;

*Rights to make written comments*

- b. by the date specified in the notices in (a)(i) and (a)(ii) (not less than 20 working days after the date of written notice), any person may provide to Council:
  - (i) written comments on the proposed rezoning and UGB change;  
and
  - (ii) any supporting expert evidence.

*Formally joining the Boyd, Redai & Ors appeal as a section 274 party*

- c. by the date specified in the notices in (a)(i) and (a)(ii) (not less than 20 working days after the date of written notice), any person who has an interest greater than the general public, may formally join the Boyd, Redai & Ors appeal by lodging with the Environment Court, and serving on the Council, a section 274 notice. If they wish to make a written comment, they must also do that under (b) above.

*Council report*




- d. within 20 working days after the date on which written comments are to be provided in accordance with (b), Council must file with the Court a report which:
  - (i) summarises the written comments and any expert evidence received (if any), and which also provides a link to all written comments and expert evidence received (should the Court wish to review that documentation);
  - (ii) Makes recommendations for the Court's consideration.

*Court's determination*

- e. once the Court has received the report from Council as directed in (e), this will be considered and the Court will then either, determine the rezoning and UGB alteration, or issue further directions.



**Legend**

-  Parcels and Property
-  Lower Density Suburban Residential
-  Urban Growth Boundary

**Amended Zoning for Riverbank Road**

