

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 3: Historic
Heritage & Protected Trees

MINUTE REGARDING CONCERNS WITH CHAPTER 26

1. The Hearing Panel heard submissions on Chapter 26: Historic Heritage and Chapter 32: Protected Trees on 27 to 29 June 2016 inclusive. In deliberating on the submissions lodged, the s.42A reports, evidence presented and the Council's reply we have identified deficiencies in Chapter 26 that are such that it would be remiss of the Panel to recommend to the Council that the Chapter be adopted. There appears to be no scope within the relief sought by submissions which would enable the Panel to recommend amendments that would correct these deficiencies.
2. The first deficiency relates to Rule 26.6.3¹. This rule classifies the demolition of a Category 1 item as a prohibited activity. We understand there to be no submissions seeking to alter that provision. When we considered the policies proposed in the notified version of the PDP, Ms Jones' s.42A report and her further revised provisions tabled in the Council's reply, there appears to be no policy which Rule 26.6.3, as it relates to Category 1 items, is implementing.
3. It is our understanding that any rules in a plan must be to implement policies (s.75(1)(c)). We are concerned that including a rule such as Rule 26.6.3 devoid of any policy which it is implementing would open the provision to future challenge.
4. The second deficiency relates to the rules in Table 5 relating to the protection of archaeological sites listed in the PDP. There are submissions seeking the deletion of these rules. Again, we can find no policies which these rules are implementing.
5. We note that Ms Jones has recommended substantial amendments to the policies in her s.42A report and her statement accompanying the Council's reply. It may

¹ Our references to provision numbers are to those in the notified version of the PDP unless otherwise stated.

be that in the various iterations the linkage between policies and the implementation of them by rules has been lost.

6. We consider both of these matters are sufficiently important to be drawn to the Council's attention now so the Council can consider how the problems can be remedied, and whether such remedy can occur within the timeframe of the present hearing process. As we noted above, as the provisions stand at present we consider it would be remiss of us to recommend the Council adopt them.
7. We ask that the Council consider these matters and advise the Hearing Panel how it considers these deficiencies can be corrected.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", written in a cursive style.

Denis Nugent (Chair)

13 July 2016