

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management
Act 1991

AND

IN THE MATTER of Hearing Stream
03 – Historic
Heritage chapter

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES
DISTRICT COUNCIL IN RESPONSE TO THE PANEL'S MINUTES OF
13 AND 22 JULY 2016 AND REQUESTING LEAVE TO FILE
SUPPLEMENTARY REPLY EVIDENCE OF VICKI JONES**

HEARING STREAM 03 – HERITAGE

4 August 2016

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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**) in response to the Minutes of the Panel dated 13 and 22 July 2016, in relation to Hearing Stream 3, Historic Heritage chapter.

FIRST MINUTE: ADDITION OF FURTHER SPECIFIC POLICIES

2. By way of its first minute of 13 July, the Panel requested the Council to consider whether further specific policies could be recommended at the present stage of the hearing process in relation to Rule (notified 26.6.3; redrafted 26.6.9); and the archaeological site rules contained in (notified and redrafted) Table 5 of the Historic Heritage chapter.
3. Ms Vicki Jones, the section 42A author for the chapter, is of the view that the addition of such further specific policies would be an improvement in a planning sense.
4. The Council further considers there is scope within the submissions on the Historic Heritage chapter to recommend that such additional policies be included. As submitted in the Council's legal submission in reply on Hearing Stream 3,¹ the paramount legal test as to scope is whether amendments are within the ambit of what is fairly and reasonably raised in submissions on the PDP. The evidence of Ms Jones is that the addition of policies in relation to Rule (notified 26.6.3; redrafted 26.6.9) and the archaeological site rules contained in (notified and redrafted) Table 5 is within the ambit of the relief requested by submitters² on the Historic Heritage chapter.

¹ Council's Legal Reply on Hearing Stream 3 dated 6 July 2016, at paragraphs 2.21 to 2.24

² Jackie Gillies (604) for new Policy 26.4.1.5(a), and Jackie Gillies and Heritage New Zealand (426), Real Journeys Limited (621) Millbrook Country Club Ltd (696), Upper Clutha Transport (726) Watertight Investments Ltd (672), and Crane and Mactaggart (688) for new Policy 26.4.1.9.

SECOND MINUTE: HERITAGE PRECINCTS

5. By way of its second minute of 22 July 2016, the Panel requested the Council clarify the following in relation to the recommended rules on heritage precincts:
 - 5.1 whether there is a contradiction in the headings of (notified and redrafted) Table 3, relating to heritage precincts;
 - 5.2 whether contributory buildings, as referred to in (notified and redrafted) Table 3 of Chapter 26, include buildings listed in the Inventory under (notified and redrafted) provision 26.9; and
 - 5.3 the status of new buildings in a heritage precinct.

Ms Jones is of the view that some minor changes are required to the chapter, to respond to these queries. The Council also considers there is scope within the submissions³ on the Historic Heritage chapter to recommend these minor changes. This is also addressed from a planning perspective in Ms Jones' supplementary right of reply, provided with this memorandum.

6. Ms Jones is also of the view that, if the Panel does conclude that an additional rule requiring consent for all new buildings within the heritage precincts is the most appropriate method (rather than the recommended changes made in her supplementary right of reply), then such a rule would be within the ambit of what is fairly and reasonably raised in submissions⁴ on the PDP.

³ New Zealand Tungsten Mining Limited (519), Heritage New Zealand (426) and Jackie Gillies (604).

⁴ New Zealand Tungsten Mining Limited (519) and Heritage New Zealand (426).

Leave to File Supplementary Reply Evidence

- 7.** The Council respectfully seeks leave to file the evidence of Ms Jones as supplementary reply evidence on the Historic Heritage chapter, to:

 - 7.1 assist the Panel by providing the Council's position on the addition of further specific policies in relation to Rule (notified 26.6.3; redrafted 26.6.9) and the archaeological site rules contained in (notified and redrafted) Table 5 of the Historic Heritage chapter;
 - 7.2 clarify that some contributory buildings in heritage precincts are also listed in the Inventory; and
 - 7.3 clarify the status of new buildings in a heritage precinct.
- 8.** For efficiency reasons, the supplementary reply evidence of Ms Jones is filed at the same time as this application.
- 9.** As the Council hearings on Stage 1 of the District Plan Review are continuing through into early 2017 and we understand the Panel will only be making its recommendations after conclusion of all of the hearings on Stage 1, the Council considers that there is no prejudice to submitters in filing this supplementary right of reply.

10. However, as a matter of procedural fairness, the Council proposes that the submitters on the Historic Heritage chapter should be provided with the opportunity to file further supplementary evidence or comment in response to the supplementary reply evidence of Ms Jones. A time period of ten working days seems reasonable, and should be limited to the matters raised in Ms Jones' supplementary reply, only.

DATED this 4th day of August 2016

A handwritten signature in blue ink, appearing to be 'S J Scott' or similar, written in a cursive style.

S J Scott / K L Hockly
Counsel for Queenstown
Lakes District Council