

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

**IN THE MATTER OF** the Resource Management Act 1991 ('the Act')

**and**

**IN THE MATTER OF** Hearing Stream 15 (District Wide)

**and**

**IN THE MATTER OF** a Submission by Heritage New Zealand Pouhere  
Taonga (Submitter 2446)

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**STATEMENT OF EVIDENCE OF DENISE JOYCE ANDERSON ON BEHALF  
OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**STREAM 15 - DISTRICT WIDE**

**Planning**

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1 August 2018

## **1. INTRODUCTION**

- 1.1 My name is Denise Joyce Anderson. I am the Planner for the Otago and Southland Area Office of Heritage New Zealand Pouhere Taonga (HNZPT). I have been working for HNZPT since July 2018.
- 1.2 I hold the qualification of Master of Regional and Resource Planning from the University of Otago.
- 1.3 I have over 30 years' experience as a planner in various roles in a Crown Entity, planning consultancy, multi-disciplinary consulting company and a Council, prior to my current role with HNZPT. In my current position I provide statutory planning advice in relation to Regional Policy Statements, Regional Plans, District Plans, and resource consent applications affecting heritage items primarily within Otago and Southland.

## **2. CODE OF CONDUCT**

- 2.1 Although this is not an Environment Court hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I am authorised to give this evidence on HNZPT's behalf.

## **3. SCOPE OF THIS STATEMENT**

- 3.1 This statement addresses the following matters in relation to Stage 2 of the proposed Queenstown Lakes District Plan 2015 (PDP):
- Certain recommendations contained in the Section 42A report for Chapter 31. Signs insofar as they relate to HNZPT's submission on that chapter.
  - Certain recommendations contained in the Section 42A report for Chapter 25. Earthworks insofar as they relate to HNZPT's submission on that chapter.

#### **4. CHAPTER 31. SIGNAGE**

- 4.1 HNZPT's submission on Chapter 31 sought amendments to Rule 31.5.22 to ensure that the erection of new signs respects the setting or extent of place of heritage features in Section 26.8 Inventory of Protected Features in Chapter 26 of the PDP, by requiring resource consent to be obtained to erect signage within the setting or extent of place of such heritage items.<sup>1</sup>
- 4.2 In relation to this submission point I wish to record that I generally support the recommendation of the Section 42A report in relation to Rule 31.5.22 which accepts HNZPT's submission point, except in relation to scheduled archaeological sites.
- 4.3 I disagree with the statement at paragraph 24.3 of the Section 42A report that in relation to archaeological sites, signage within the setting or extent of place of a scheduled archaeological site would be subject to a separate statutory process outside the District Plan. In relation to archaeological sites, the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) is limited to activities that damage, destroy or modify those sites. I note that some archaeological sites may also be listed heritage features and included in Section 26.8.
- 4.4 The HNZPT Act governs the direct modification and destruction of archaeological sites. This does not extend to the erection of signs or other structures within the setting or extent of place of an archaeological site.
- 4.5 This means that unless an archaeological site is scheduled as a Category 1, 2 or 3 feature then there is no statutory process provided pursuant to the HNZPT Act to control the adverse effects of signage within the setting or extent of place of archaeological sites.
- 4.6 Notwithstanding this, in the context of the Stage 1 decision on Chapter 26 wherein notified Section 26.10 Archaeological Sites was deleted (a matter that HNZPT has appealed); I accept that the recommendation to exclude archaeological sites from Rule 31.5.22 is consistent with the decision version of Chapter 26.

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<sup>1</sup> HNZPT submission point 2446.5.

## 5. CHAPTER 25. EARTHWORKS

- 5.1 HNZPT made a submission on Chapter 25 Earthworks which focused on ensuring that the provisions of the chapter provide an adequate framework for the management of earthworks that have the potential to adversely affect historic heritage values.
- 5.2 The Section 42A report recommends that certain HNZPT submission and further submission points are accepted, and without discussing each of these points I would like to record my general support for the revised chapter as set out in Appendix 1 of the Section 42A report.
- 5.3 Notwithstanding the above, there is an outstanding issue that, in my opinion, has not been properly addressed in the Section 42A report - that of earthworks within the setting or extent of place of heritage items listed in Section 26.9 of Chapter 26 Heritage (noting that this is called Section 26.8 Inventory of listed Heritage Features in the decision version of Chapter 26). HNZPT sought a new rule making such earthworks a restricted discretionary activity.<sup>2</sup>
- 5.4 In response to this submission point the Section 42A report (at paragraphs 11.41 to 11.51) recommends an amendment to Rule 25.4.5 so that the rule encompasses '*Earthworks that may modify, damage or destroy . . . (b) a listed heritage feature, included in the Inventory of Listed Heritage Features in Chapter 26 Historic Heritage.*' Such works would be a discretionary activity.
- 5.5 I disagree that the proposed amendments give effect to the relief sought by HNZPT in relation to this submission point. The crucial aspect of the submission point is that earthworks within the *setting or extent of place* of scheduled heritage items/features are managed, an outcome which I am of the opinion would not be achieved through the recommended version of Rule 25.4.5. As currently worded, Rule 25.4.5 could be interpreted to apply only to the direct modification, damage or destruction of the relevant heritage feature, and not its wider setting or extent of place.
- 5.6 In my opinion, it is inconsistent to require resource consent for small volumes of earthworks within Heritage Precincts and Heritage Overlay Areas as per Rule 25.5.2, and not manage earthworks within the setting or extent of place of Section 26.8 Inventory of listed Heritage Features.

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<sup>2</sup> HNZPT submission point 2446.10.

5.7 Earthworks within the setting or extent of place of these listed heritage features could give rise to effects such as physical and visual disturbance to features associated with the primary heritage item, such as heritage gardens, historic building foundations, cobbling, paving and so on.

5.8 Based on the above I would like to reiterate HNZPT's submission point 2446.10 and recommend a new rule be added to Chapter 25 Table 25.1 making earthworks within the setting or extent of place of a heritage feature included in 26.8 Inventory of listed Heritage Features a discretionary activity. In my opinion, it would be useful if this new rule provided clarity around the relationship between Sections 26.8 and 26.8.1.

## **6. FURTHER COMMENTS**

6.1 HNZPT is appealing a number of points with regard to Chapter 26 in the Stage 1 hearings. Included in the relief sought is to have consistent and correct reference to the Inventory at Section 26.8. Currently there are over five different terms used to refer to the Inventory at Section 26.8 and these multiple references make the Plan inconsistent and inefficient for the plan user.

6.2 I would like to draw the Panel's attention to this in order to ensure consistency with the terminology used in Chapters 25, 26 and 31.

## **7. CONCLUSION**

7.1 Having considered the relevant information and expert evidence available I have identified some areas (within the scope of HNZPT's submissions) where I have reached the opinion that the PDP could better manage certain activities that have the potential to adversely affect historic heritage values. Where this is the case I have outlined the amendments that I recommend be made in the body of this statement.

Denise Anderson

1 August 2018